

State of Missouri

Public Defender Commission



Fiscal Year 2005

Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director
Kathleen L. Lear, Comptroller/Legislative Liaison

[Http://www.publicdefender.mo.gov](http://www.publicdefender.mo.gov)

October 1, 2005



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M E M O R A N D U M

TO: Governor Blunt
Chief Justice Wolff
Members of the Supreme Court
Members of the General Assembly
Presiding Judges

FROM: J. Marty Robinson, Director
Members of the State Public Defender Commission

DATE: October 1, 2005

RE: Fiscal Year 2005 Annual Report

As we present this Annual Report of the Missouri State Public Defender System, caseloads continue to be of great concern. Missouri's Public Defender caseloads are too high by any measurable standard. Case dispositions reached a new record, even though there was a slight improvement in case assignments this past year.

Total assigned cases in FY05 were 88,131, down from 88,916 in FY04. On the other hand, case dispositions were a record 87,180 cases, up from 86,356 last year. For the sixth consecutive year, case assignments exceeded case dispositions. Missouri's Public Defenders, and Missouri's criminal justice system, continue to fall further and further behind because there simply aren't enough public defenders. Case dispositions have not equaled case assignments since FY99; the last year more attorneys were authorized to handle the increasing caseload.

Albeit slight, the improvement in case assignments is welcomed. It also appears to be directly related to better public awareness of the problem.

A State Auditor's report, (#2004-94, December 17, 2004), found incidents of inappropriate judicial appointments of the Public Defender. It also recommended the Department more aggressively challenge such appointments. As a result, judges in some circuits are noticeably more circumspect in the use of Public Defender resources. The Missouri Bar also recognizes the caseload crisis. They have launched a temporary volunteer program where private attorneys accept a minor traffic case that would otherwise go to the Public Defender. The Bar has also formed a Task Force to study longer range strategies.

As Missouri's Judiciary and Bar come to understand the realities of Missouri's Public Defender caseload, a common theme arises. There are either too few Public Defenders, or too many Public Defender cases.

The only measurable caseload standard used in staffing Missouri's Public Defender System was utilized in 1989. Under then-Governor Ashcroft, the Department was reorganized to provide services statewide, and staffed so that a trial attorney's caseload would average 235 cases annually. However, by 2005 trial division attorneys average 298 cases, 27% more than the 1989 caseload standard. In our FY 2007 budget request we have sought additional staff to begin a three-year plan designed to bring the average caseload down to 235 cases by FY 2010.

Recruiting and retaining public defenders is necessary to insure an efficient and effective criminal justice system. Excessive caseloads play a large part in hampering our retention efforts, but workload is just part of the problem. Successful recruiting and retention is also hampered by low salaries, often coupled with the heavy student loan debt of new law school graduates. At 17%, the Department's attorney turnover rate is simply too high.

Recognizing low salaries in addition to high workloads as a problem, the State Public Defender Commission has requested funds to improve salaries and begin a student loan repayment program. The loan repayment program would be limited to new attorneys in their first 36 months of service to the State Public Defender. The Commission believes improved public defender recruitment and retention is absolutely necessary to avoid a crisis in Missouri's criminal justice system.

Our dedicated lawyers and support staff continue their heroic efforts as the demands upon them increase. However, heroic efforts alone will not secure Missouri's criminal justice system. The trends in public defender caseloads and public defender retention are alarming to all Missourians desirous of a fair system of justice. With the help and support of Missouri's Judiciary and Bar, and the Executive and Legislative branches, we will strive for a report of progress in 2006.

Thank you for your much needed support of Missouri's State Public Defender System.

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Public Defender Commission
Annual Report – Fiscal Year 2005

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This is accomplished through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services to the indigent accused. In fiscal years 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by State Public Defender District Offices.

Today, the Missouri State Public Defender is organized into three legal service divisions, which include the Trial, Appellate, and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found on page 56 of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Every attorney in the Public Defender System handles cases representing Missouri's indigent accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not comprised.

To provide this uncompromised advocacy, the Missouri State Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty.

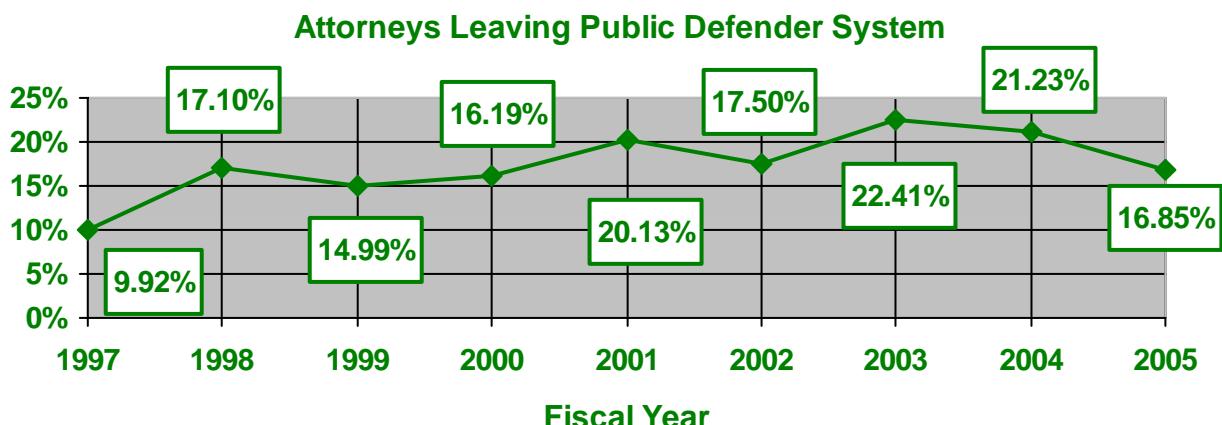
Using data from fiscal year 2005, a composite example of a "typical trial division public defender" can be developed. In Fiscal Year 2005, the Trial Division of the Public Defender System opened 85,821 new cases. The Trial Division was allocated 288 attorney positions. Therefore, the "typical trial division public defender" opened 298 cases during Fiscal Year 2005. This means the defender must open one case and dispose of another case each and every workday to insure successful caseload management. Approximately 114 of the cases assigned to the "typical trial division defender" in fiscal year 2005 were felonies. The breakdown by category of cases handled by the "typical trial division defender" is presented on the following page.

FY2005
State Public Defender—Trial Division
Typical Caseload

Description	# of Cases
Homicide	1
A-B Felony	24
C-D Felony	89
Misdemeanor	102
Juvenile	13
Probation Violations	69
Total Average Caseload Per Trial Division Attorney	298

Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff.

Historically, recruitment and retention of attorneys have been a tremendous problem for the State Public Defender System. Increased funding for attorney salaries in Fiscal Years 1995 and 1996, temporarily improved retention, reducing attorney turnover from 20% per year to 7% per year. Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover is again increasing.



Caseload and Cost Highlights

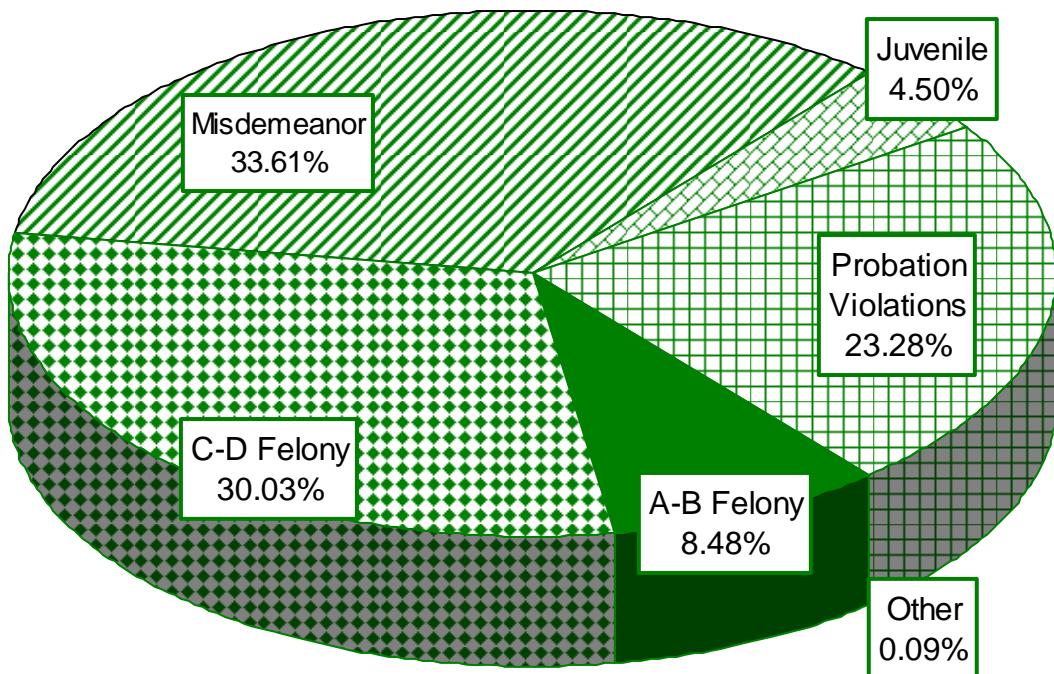
A. Caseload

1. New Cases

The State Public Defender System's Trial Division opened 85,821 new cases in Fiscal Year 2005, a decrease of 874 from Fiscal Year 2004 or 1%. By far, the greatest number of cases are reflected in the felony and misdemeanor caseloads. Since Fiscal Year 2001, the last time additional attorneys were allocated to the Department of the State Public Defender, the trial division's caseload has increased by 10,098 cases or 14.56%.

FY2005		
Trial Division		
Opened Cases by Case Type		
	Description	# of Cases Represented
10	Murder – Death Penalty	5
15	Murder – 1 st Degree	120
20	Other Homicide	116
30	A-B Felony	7,036
35	C-D Felony	25,775
40	Misdemeanor	20,988
45	Misdemeanor – Traffic	7,856
50	Juvenile – Status	575
52	Juvenile – Criminal	3,291
54	Post Conviction Relief/Rule 24 & Rule 29	0
60	Chapter 552	44
60 & 61	Sexual Predator Hearing & Trials	4
65	Probation Violation	19,980
75	Writ	20
80	Appeal	9
82	Direct Appeal	2
	Total Trial Division Cases Opened	85,821

Fiscal Year 2005 Trial Division Opened Cases by Case Type

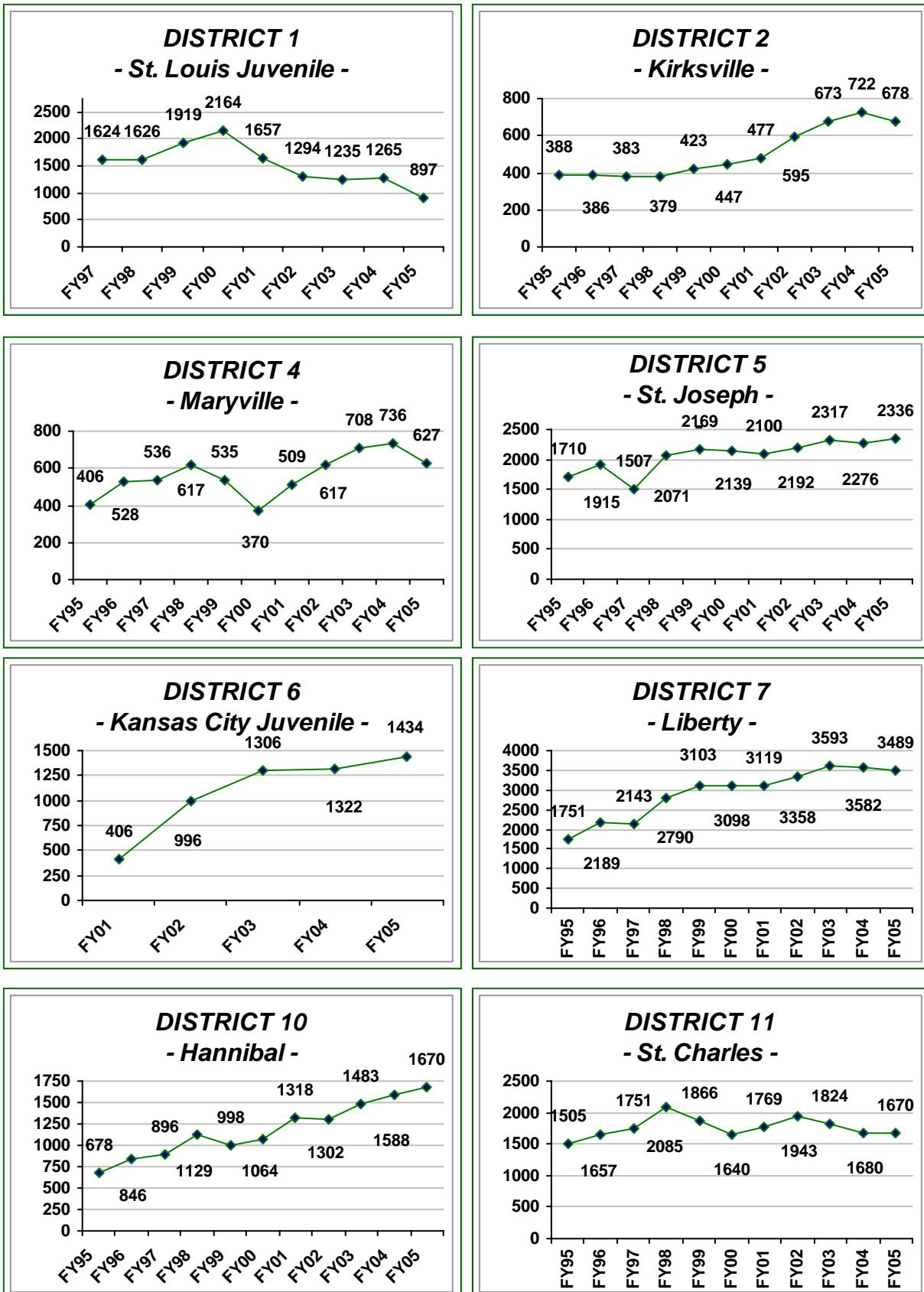


Felony Cases Opened	33,052 or 38.51% of the total caseload
Misdemeanor Cases Opened	28,844 or 33.61% of the total caseload
Probation Violation Cases Opened	19,980 or 23.28% of the total caseload
Juvenile Cases Opened	3,866 or 4.50% of the total caseload

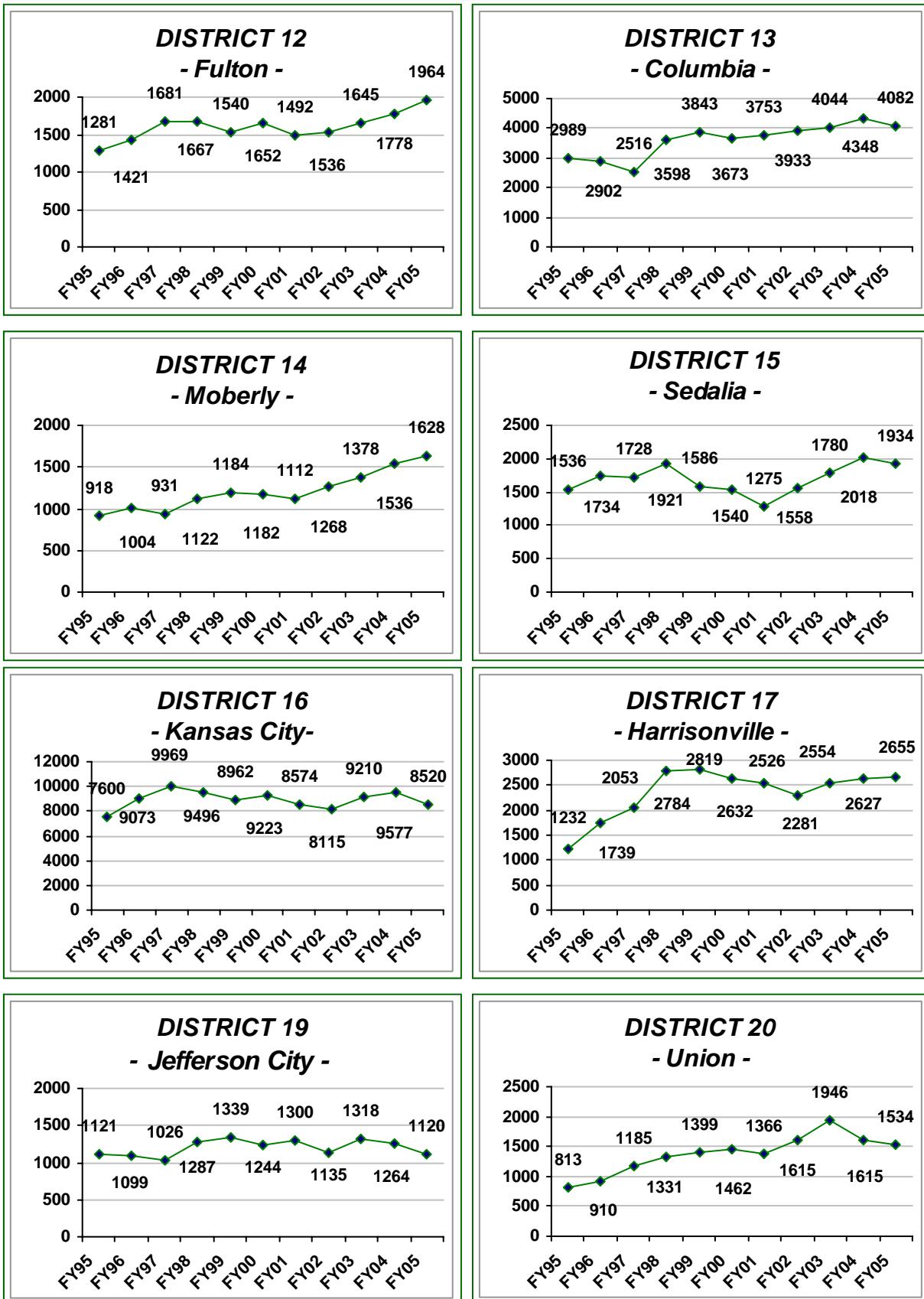
TRIAL DIVISION NEW CASES OPENED
FIVE FISCAL YEAR COMPARISONS - FY01 to FY2005
BY DISTRICT

District #	District Name	FY01 Cases Opened	FY02 Cases Opened	FY03 Cases Opened	FY04 Cases Opened	FY05 Cases Opened	# Change 2001 to 2005	% Change 2001 to 2005
1	St. Louis Juvenile	1,657	1,294	1,235	1,265	897	-760	-45.87%
2	Kirksville	477	595	673	722	678	201	42.14%
4	Maryville	509	617	708	736	627	118	23.18%
5	St. Joseph	2,100	2,192	2,317	2,276	2,336	236	11.24%
6	Kansas City Juvenile	406	996	1,306	1,322	1,434	1,028	253.20%
7	Liberty	3,119	3,358	3,593	3,582	3,489	370	11.86%
10	Hannibal	1,318	1,302	1,483	1,588	1,670	352	26.71%
11	St. Charles	1,769	1,943	1,824	1,680	1,670	-99	-5.60%
12	Fulton	1,492	1,536	1,645	1,778	1,964	472	31.64%
13	Columbia	3,753	3,933	4,044	4,348	4,082	329	8.77%
14	Moberly	1,112	1,268	1,378	1,536	1,628	516	46.40%
15	Sedalia	1,275	1,558	1,780	2,018	1,934	659	51.69%
16	Kansas City	8,574	8,115	9,210	9,577	8,520	-54	-0.63%
17	Harrisonville	2,526	2,281	2,554	2,627	2,655	129	5.11%
19	Jefferson City	1,300	1,135	1,318	1,264	1,120	-180	-13.85%
20	Union	1,366	1,615	1,946	1,615	1,534	168	12.30%
21	St. Louis County	3,606	4,121	3,553	3,204	3,698	92	2.55%
22	St. Louis City	6,954	7,543	5,928	7,848	7,649	695	9.99%
23	Hillsboro	1,523	1,584	1,852	1,897	2,614	1,091	71.63%
24	Farmington	1,808	1,987	2,213	2,312	2,163	355	19.63%
25	Rolla	2,679	3,001	3,274	3,489	3,202	523	19.52%
26	Lebanon	2,340	2,429	2,727	2,501	2,630	290	12.39%
28	Nevada	1,131	1,288	1,268	1,338	1,407	276	24.40%
29	Carthage	3,882	4,444	4,225	4,306	4,372	490	12.62%
30	Buffalo	1,083	1,189	1,622	1,900	1,926	843	77.84%
31	Springfield	3,094	3,787	4,165	4,562	4,923	1,829	59.11%
32	Cape Girardeau	2,703	2,522	2,890	2,837	2,562	-141	-5.22%
34	Caruthersville	1,035	1,167	1,123	1,049	1,062	27	2.61%
35	Kennett	1,699	1,737	1,838	1,951	1,694	-5	-0.29%
36	Poplar Bluff	1,527	1,573	1,708	1,712	1,844	317	20.76%
37	West Plains	768	999	1,025	1,170	1,071	303	39.45%
39	Monett	2,151	2,437	2,438	2,074	2,058	-93	-4.32%
43	Chillicothe	2,090	2,356	2,444	2,685	2,519	429	20.53%
44	Ava	568	611	740	686	817	249	43.84%
45	Troy	881	932	999	1,240	1,372	491	55.73%
49	St. Louis Conflicts	638	718	645		0	-638	-100.00%
Total Trial Division New Cases		74,913	80,163	83,691	86,695	85,821	10,908	14.78%
		FY2001	FY2002	FY2003	FY2004	FY2005	FY01 to FY05	

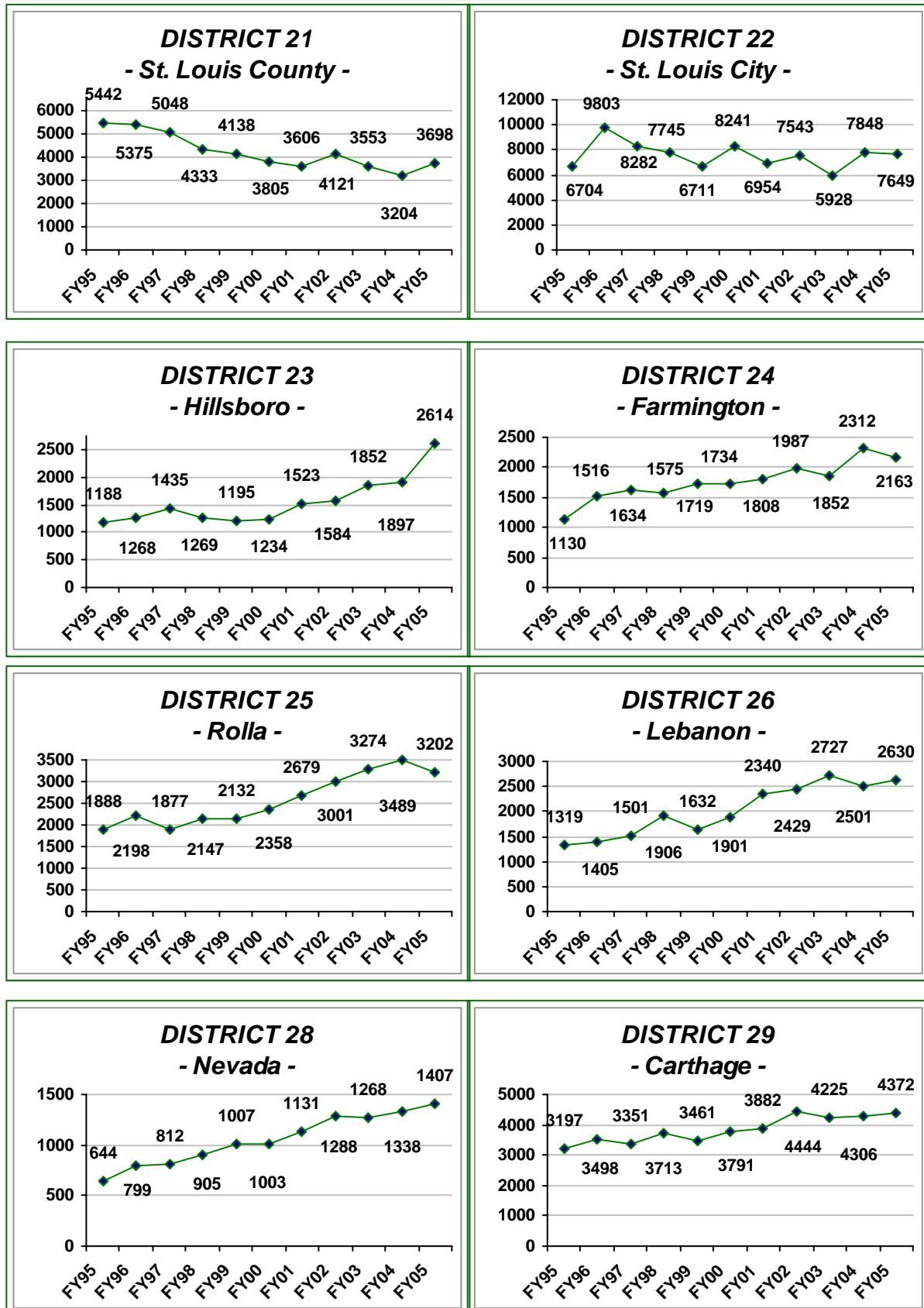
New Cases Opened – By District FY1995 to FY2005



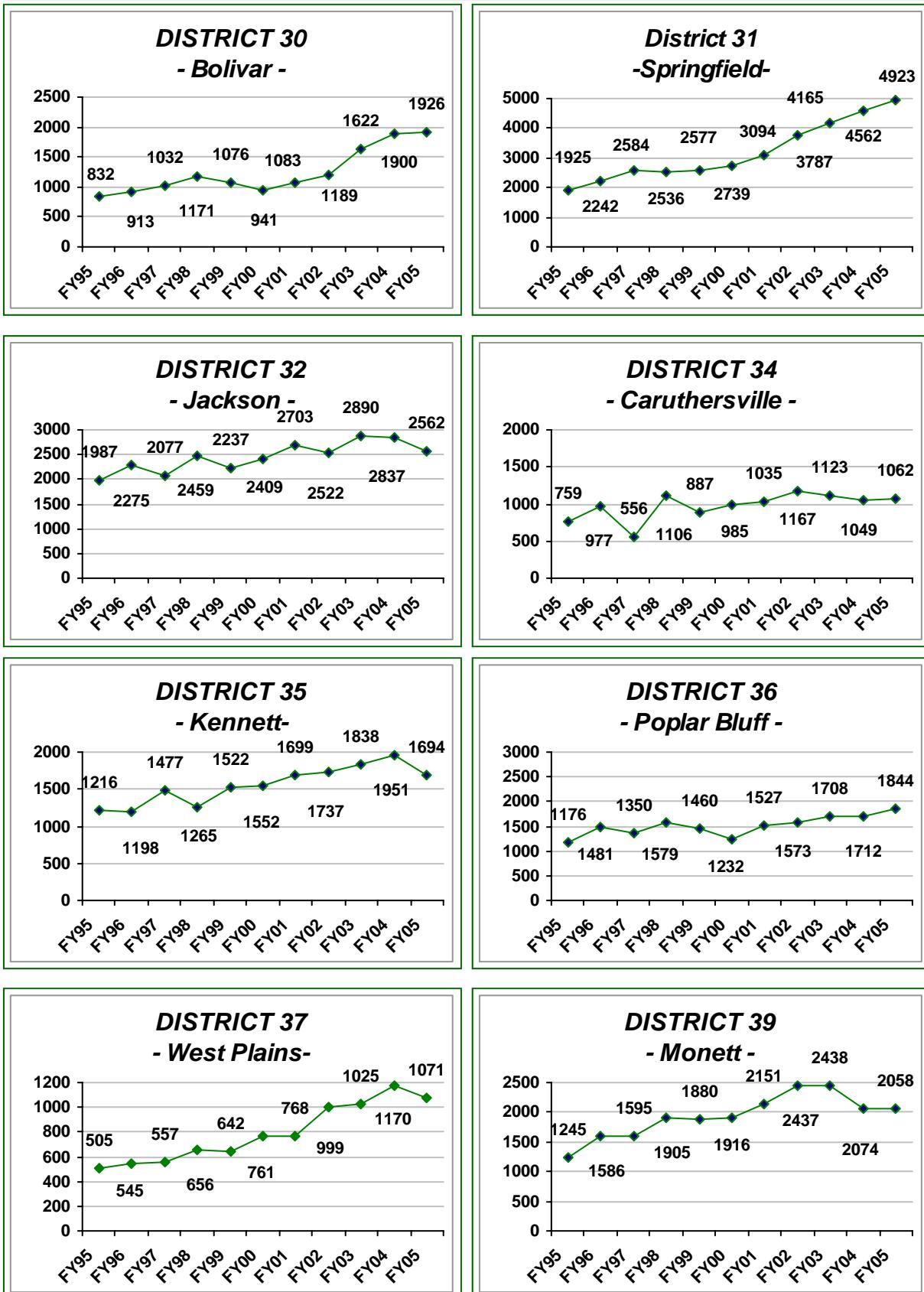
New Cases Opened – By District FY1995 to FY2005



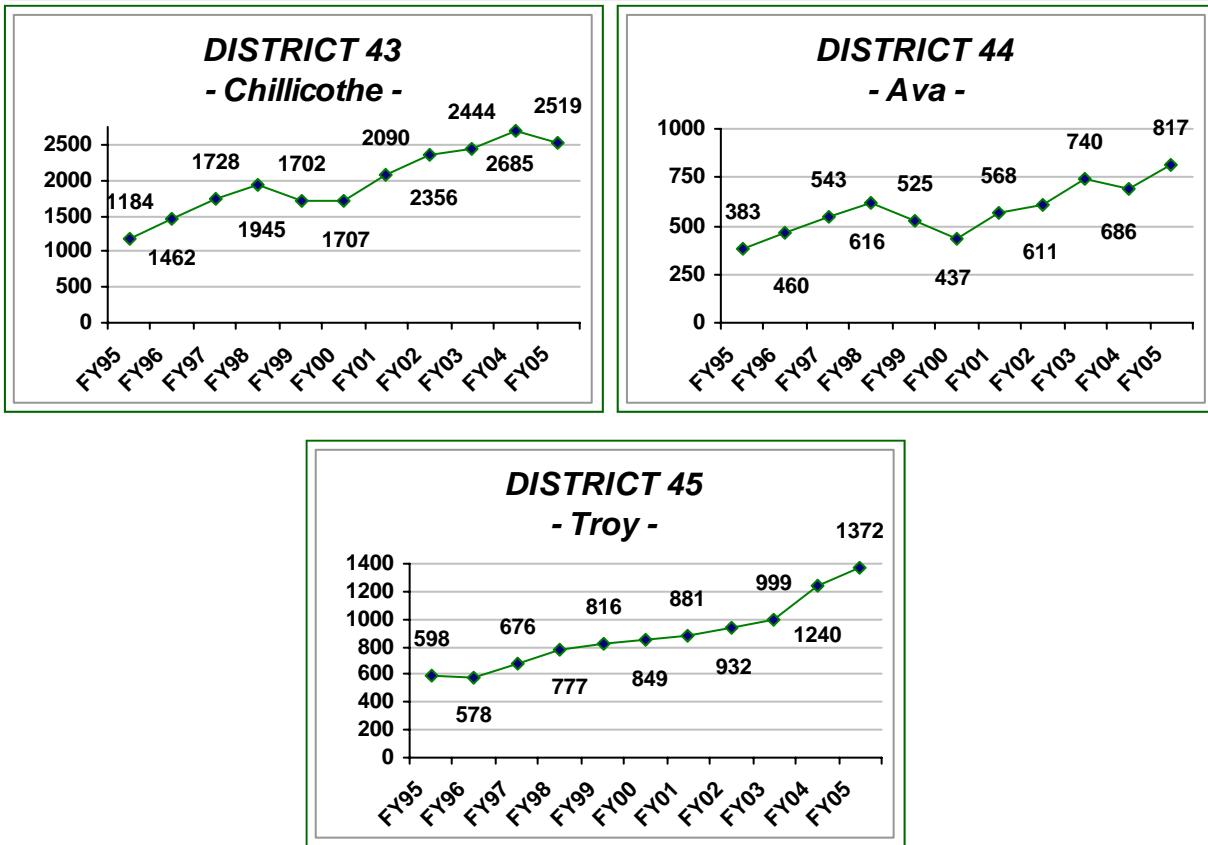
New Cases Opened – By District FY1995 to FY2005



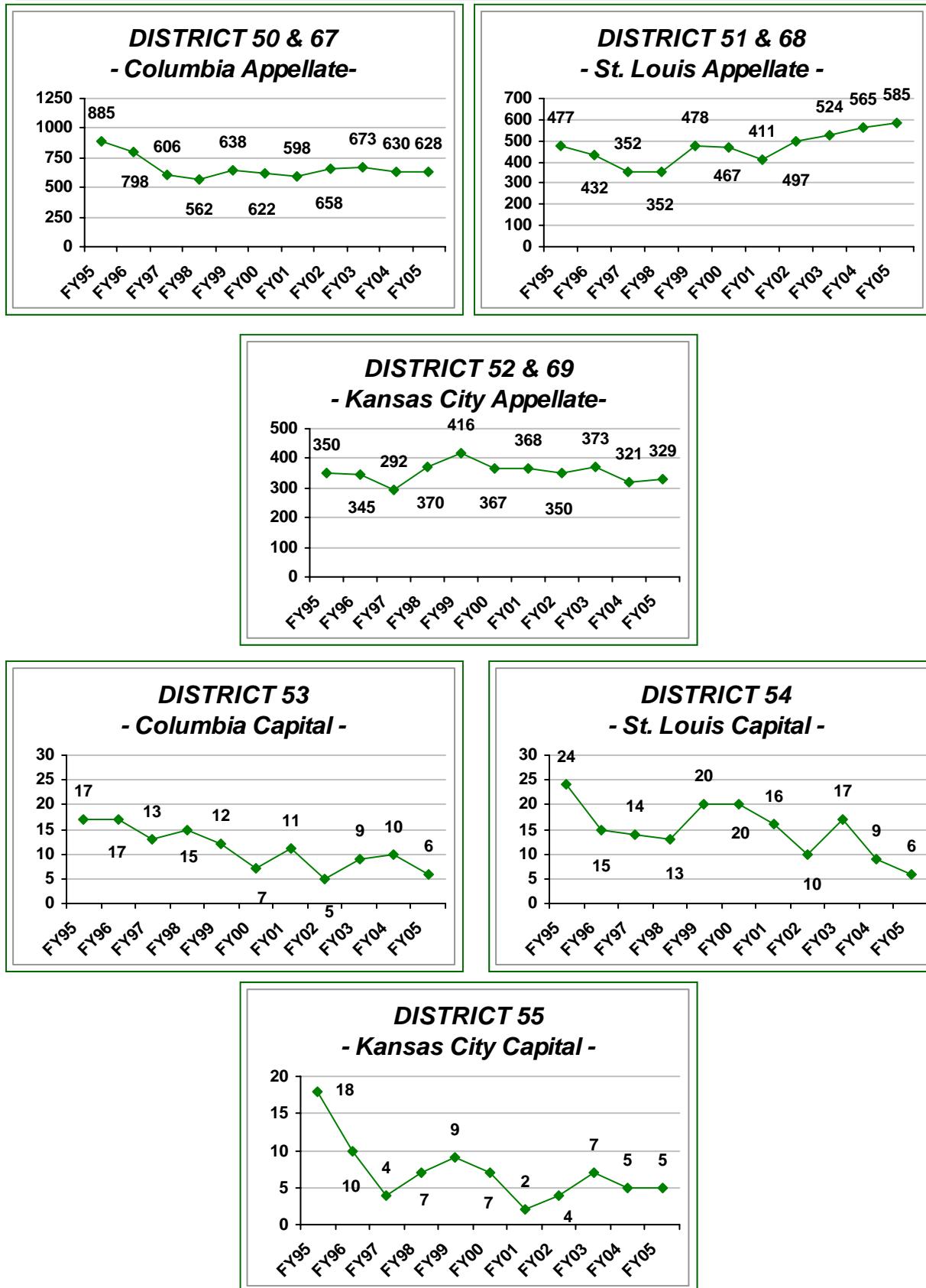
New Cases Opened – By District FY1995 to FY2005



New Cases Opened – By District FY1995 to FY2005



New Cases Opened – By District FY1995 to FY2005



FY2005 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY05 Cases	Charge Code	Description	FY05 Cases
001.000	Probation Violation	12,636	195.410	Possession of chemicals for meth.	11
001.100	Juvenile	515	195.420	Creation of a controlled substance	244
001.110	Juvenile Injurious Behavior	240	195.425	Abandonment of a corpse FD	3
001.115	Juvenile Review Hearing	97	210.104	Failure to provide child safety restraint	19
001.120	Juvenile PV Only	85	211.031	Exclusive jurisdiction of juvenile court	29
001.125	Juvenile Status	40	217.360	Possession of cont. substance-corr. facility	83
001.130	Juvenile Misdemeanor	28	217.365	Possession of contraband in penal Institution	2
001.135	Juvenile Felony C-D (Cert.)	8	217.385	Committing violence	37
001.140	Juvenile Felony A-B (Cert.)	5	217.490	Multi-State Agreement on Detainers	0
001.145	Juvenile Felony C-D	50	221.111	Delivering/possessing prohibited articles in jail	103
001.150	Juvenile Felony A-B	14	221.353	Damage to jail property FD	59
001.155	Juvenile Murder 1st/2nd (Cert.)	1	252.040	Pursuing/taking wildlife	46
001.160	Juvenile Homicide (Cert)	0	252.045	Operation of MV on conservation property	9
001.165	Juvenile Homicide	0	252.060	Failure to Display a Fishing License	1
043.170	Failure to stop for Hwy Patrol	2	260.212	Criminal disposition of solid waste	0
064.295	Zoning Violations	1	287.128	Workers compensation fraud/MA	5
070.441	Violating Rules/Regulations of Rapid Transit	1	288.380	Illegal unemployment compensation	0
115.631	Election Offense Class I	0	301.020	Failure to register	315
142.830	Operating as Interstate Motor Fuel user	0	301.120	Failure to return plates	13
143.931	Failure to file MO tax return	8	301.130	Failure to display valid plates	219
144.083	Retail Sales w/o a license	1	301.140	Displaying plates of another	128
144.480	Failure to pay state sales tax	1	301.190	Certificate of ownership	8
167.031	Compulsory school attendance MC	71	301.277	Failure to register non-resident vehicle	4
167.061	Educational neglect	4	301.320	Displaying another states plates	9
190.308	Misuse of 911 phone service	7	301.390	Sale of vehicle with altered VIN	5
191.490	Violation of a law or regulation	0	301.400	Removing/defacing manufacturer numbers FC	1
191.677	Risk of infecting another w/HIV FD	5	301.420	False Statement on Registration Application	0
191.905	Abuse of a Person Receiving Health Care	1	301.707	Failure to register an all-terrain vehicle	1
192.490	Violation of a law or regulation, Misdemeanor	3	302.020	Operating MV without a valid license	531
194.410	Disturbing human burial site	0	302.025	Financial responsibility while operating vehicle	0
194.425	Abandonment of a corpse	4	302.178	Failure to comply with immediate license	12
195.130	Maintaining a public nuisance	22	302.200	Operating MV w/out new license after revoked	15
195.202	Drug Possession	7,687	302.210	Purchase of vehicle without receiving full title	3
195.203	Possession Under 35 Grams	419	302.220	Possession of altered driver's license	8
195.204	Fraudulent attempt to obtain cont. sub.	129	302.230	Making false stmt to obtain driver's license M	1
195.211	Distribution/delivery/manufacture FA/B/C	3,064	302.233	Committing Fraud to Obtain Driver's license MA	2
195.212	Unlawful distribution to minor	16	302.260	Unlicensed person operating motor vehicle	8
195.213	Unlawful purchase or transport with a minor	1	302.321	Driving while suspended or revoked	6,349
195.214	Dist. drugs within 1000 ft of a school FA	148	302.340	Prohibited Use of a License	0
195.218	Dist. drugs within 1000 ft of public housing	61	302.780	Driving commercial vehicle under influence	2
195219	Unlawful Endangerment of Property	1	303.024	Failure to provide evidence of insurance	153
195.222	Drug trafficking FD	125	303.025	Operating MV w/out financial responsibility	490
195.223	Drug trafficking SD	529	303.041	Failure to maintain financial responsibility	54
195.226	Furnishing materials for producing cont. sub.	2	303.370	Driving while revoked or suspended for 303.025	963
195.233	Use of drug paraphernalia MA	1,030	304.000	Traffic	100
195.235	Delivery or manufacture of drug paraphernalia	62	304.010	Speeding	432
195.241	Possession of an imitation drug	7	304.012	Careless and imprudent driving	352
195.242	Delivery or manufacture of an imitation drug	55	304.013	Operating ATV's illegally	13
195.246	Possession of ephedrine	208	304.015	Failure to drive on right side of the road	315
195.252	Fail to Keep Records of Controlled Substance	1	304.016	Violation of passing regulation	14
195.254	Delivery by manufacturer or distributor	8	304.017	Following too closely	33
195.291	Persistent drug offender	0	304.019	Failure to signal	64

FY2005 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY05 Cases	Charge Code	Description	FY05 Cases
304.022	Failure to yield to emergency vehicle	73	558.016	Persistent misdemeanor offender	0
304.151	Failure to move vehicle obstructing traffic	1	562.036	Possessing controlled substance w/intent to dist.	32
304.220	Weight Limit Violation	0	564.011	Attempt to commit an offense	221
304.271	Failure to stop at stop sign	55	564.016	Conspiracy FB	42
304.281	Failure to stop at signal or crosswalk	39	565.020	Murder 1st FA	151
304.341	Turns at intersection violation penalty	7	565.021	Murder 2nd FA	132
304.351	Failure to yield right-of-way	75	565.023	Voluntary manslaughter FB	0
304.665	Juvenile in bed of truck	0	565.024	Involuntary manslaughter FC	31
306.111	Neg. operation vessel/intoxicated/manslaughter	3	565.050	Assault 1st FA/B	482
306.124	Fastening or damaging navigation aid w/vessel	2	565.060	Assault 2nd FC	810
307.040	Failure to display stop & turn signals on trailer	9	565.065	Unlawful endangerment of another FC	1
307.045	Faulty headlights	7	565.070	Assault 3rd MA/C	1,746
307.060	Multiple Beam Headlamps Arrangement Violation	1	565.072	Domestic Assault 1st FC	139
307.070	Failure to dim lights w/in 500 ft oncoming vehicle	8	565.073	Domestic Assault 2nd FC	942
307.075	Failure to equip trailer with tail lights	27	565.074	Domestic Assault 3rd FC	1,824
307.105	Limitation of total lamps lighted at one time	6	565.075	Assault on school property - FD	56
307.170	Operating vehicle with excessive noise	9	565.081	Assault law enforcement officer FA	74
307.173	Vision reducing material applied to windows	11	565.082	Assault law enforcement officer	164
307.178	Seat belt violation	156	565.083	Assault law enforcement officer 3rd MA	326
307.350	Motor vehicles, biennial inspection required	7	565.084	Tampering with a judicial officer	14
307.400	Operating commercial vehicle without service	19	565.090	Harassment MA	176
311.050	Sale of Intoxicating Liquor w/o a License	1	565.092	Aggravated harassment	1
311.310	Supplying liquor to a minor	61	565.100	Tampering with evidence	3
311.325	Possession of liquor by a minor	184	565.110	Kidnapping FA/B	52
311.328	Altering operator's license or ID card	0	565.120	Felonious restraint FC	38
311.329	Possessing altered operator's license or ID card	6	565.130	False imprisonment MA/FD	15
311.550	Sale of liquor without a license	1	565.150	Interfering with Custody	29
311.880	Sale of alcohol to minor	0	565.153	Parental Kidnapping	12
312.405	Misrepresentation of age by minor to obtain beer	1	565.156	Child abduction	10
312.407	Possess of non-intoxicating liquor by minor	1	565.165	Assisting in child abduction or kidnapping	0
313.380	Possession of Device Violate 313.800-313.850	0	565.180	Elder abuse FD	7
313.817	Presenting false ID to enter gaming est.	9	565.182	Elder abuse SD	6
313.830	Cheating a gambling game	4	565.184	Elder abuse TD	16
320.151	Sale of Fireworks to a minor	2	565.188	False report of elder abuse	0
324.520	Performing body peircing on a minor	4	565.225	Aggravated stalking	66
367.045	Failure to repay pawnbroker MB	0	565.252	Invasion of Privacy - 1st FC	0
378.385	Commit perjury while receiving public assistance	0	565.253	Invasion of privacy	5
390.063	Operating Motor Vehicle w/ Defective Equipment	1	566.030	Rape FA/B	145
407.020	Unlawful merchandising practices	2	566.032	Statutory rape FD	173
407.536	Odometer fraud FD	0	566.034	Statutory rape SD	129
407.933	Possession of cigarettes by a minor	3	566.040	Sexual assault 1st FA/B	43
409.410	Sale - unregistered securities	1	566.050	Sexual assault 2nd FC/D	0
454.440	Failing to complete an information statement	7	566.060	Sodomy FA/B	57
455.085	Violation of a protective order	753	566.062	Statutory sodomy 1st Dgr	282
455.538	Violation of an order of child protection	9	566.064	Statutory sodomy 2nd Dgr	55
468.350	As owner operator/auth another to op	0	566.067	Child molestation 1st Dgr	179
476.110	Criminal contempt of court	5	566.068	Child molestation 2nd Dgr	43
542.400	Illegal wire tapping	0	566.070	Deviate sexual assault 1st FB/C	28
544.665	Failure to appear	130	566.080	Deviate sexual assault 2nd FC/D	0
548.131	Fugitive from justice	363	566.083	Sexual misconduct involving a child	22
557.035	Hate crime C/D Fel	0	566.090	Sexual misconduct MA	61
557.036	Persistent offender	0	566.093	Sexual misconduct 2nd Dgr	52

FY2005 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY05 Cases	Charge Code	Description	FY05 Cases
566.095	Sexual misconduct 3rd Dgr	17	570.080	Receiving stolen property MA/FC	869
566.100	Sexual abuse 1st FC/D	33	570.085	Alteration or removal of item numbers FD/MB	3
566.110	Sexual abuse 2nd MA/FD	1	570.090	Forgery FC	2,679
566.120	Sexual abuse 3rd MA	1	570.100	Possession of a forgery instrumentality FC	13
566.130	Indecent exposure MA	0	570.103	Counterfeiting 1000 or more	2
566.151	Attempted Enticement of a Child	11	570.110	Issuing a false instrument or certificate MA	1
566.625	Failure to register as a sex offender	2	570.120	Passing bad check MA/FD	5,344
567.020	Prostitution MB	83	570.125	Fraudulent stop payment on an instrument MA/F	27
567.030	Patronizing prostitution MB	3	570.130	Fraudulent use of a credit device MA/FD	295
567.050	Promoting prostitution 1st FB	0	570.135	Fraudulent procurement of a credit/debit device	4
567.060	Promoting prostitution 2nd FC	1	570.140	Deceptive business practices	3
567.070	Promoting prostitution 3rd FD	2	570.145	Financial exploitation of elderly or disabled	1
568.010	Bigamy MA	2	570.150	Commercial bribery MA	0
568.020	Incest FD	4	570.155	Sports bribery FEL/MIS	0
568.030	Abandonment of a child 1st FB	2	570.160	False advertising MA	0
568.032	Abandonment of a child 2nd FD	2	570.170	Bait advertising MA	0
568.040	Criminal nonsupport MA/FD	3,964	570.180	Defrauding secured creditors MA/FD	10
568.045	Endangering welfare of a child 1st Dgr	413	570.190	Telephone service fraud MA	0
568.050	Endangering welfare of a child MA	237	570.210	Library theft FC/MC	7
568.060	Abuse of a child FB/C	152	570.217	Misapplication of funds of financial institution FC	0
568.070	Unlawful transactions with a child MB	1	570.219	False entries in records of a financial institution F	0
568.080	Using a child in a sexual performance FB/C	2	570.220	Check kiting FC	4
568.090	Promoting sexual performance by a child FC	1	570.223	Identity Theft	40
568.110	Processor failure to report MB	0	570.230	Selling unauthorized recordings	1
568.175	Trafficking in children FC	1	570.300	Theft of cable television service FA/MC	2
569.020	Robbery 1st FA	727	571.015	Armed criminal action	47
569.025	Pharmacy robbery 1st FA	5	571.020	Possess/transport/sale of certain weapons FC/M	52
569.030	Robbery 2nd FB	376	571.030	Unlawful use of weapons FD/MB	997
569.035	Pharmacy robbery 2nd FB	0	571.045	Defacing firearm MA	0
569.040	Arson 1st FB	47	571.050	Possession of a defaced firearm MB	7
569.050	Arson 2nd FC	59	571.060	Unlawful transfer of weapons FD/MA	0
569.055	Knowingly burning or exploding FD	48	571.070	Possession of a concealable firearm FC	16
569.060	Reckless burning or exploding MA	5	571.080	Transfer of concealable firearms w/out permit MA	4
569.065	Negligent burning or exploding MB	5	571.090	Permit to acquire concealable weapons MA	0
569.070	Catastrophe FA	0	571.150	Use or possession of metal-penetrating bullet FB	0
569.080	Tampering 1st FC	2,167	572.020	Gambling MB	2
569.085	Unlawful endangerment of property FC	0	572.030	Promoting Gambling FD	1
569.090	Tampering 2nd MA/FD	462	572.035	Promoting Child Pornography 2nd FD	0
569.095	Tampering with intellectual property MA/FD	3	572.050	Possession of gambling records 1st FD	0
569.097	Tampering with computer equipment FC/D	0	572.060	Possession of gambling records 2nd MA	0
569.099	Tampering with computer users MA/FD	0	572.070	Possession of a gambling device MA	0
569.100	Property damage 1st FD	311	572.080	Lottery offenses	0
569.120	Property damage 2nd MB	556	573.020	Promoting obscenity 1st FD	0
569.140	Trespass 1st MB	683	573.023	Sexual Exploitation of a Minor	6
569.150	Trespass SD	49	573.025	Promoting Child Pornography 1st FB	4
569.155	Trespass of a school bus	1	573.030	Promoting Pornograhpy 2nd MA	2
569.160	Burglary 1st FB	833	573.035	Promoting child pornography 2nd FD	0
569.170	Burglary 2nd FC	2,760	573.037	Promoting gambling 2nd MA	11
569.180	Possession of burglar's tools FD	24	573.040	Furnishing pornographic material to a minor MA	2
570.030	Stealing FC/MA	5,163	573.060	Public display of explicit sexual material MA	1
570.033	Stealing animals	16	573.065	Coercing acceptance of obscene materials	0
570.040	Stealing 3rd Offense FC	124	574.010	Peace disturbance	144

FY2005 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY05 Cases	Charge Code	Description	FY05 Cases
574.020	Private peace disturbance MC	5	577.010	Driving while intoxicated MA/B FD	3,779
574.040	Unlawful assembly MB	0	577.012	Driving w/excessive blood alcohol content MA/C	21
574.050	Rioting MA	0	577.017	Consuming alcoholic beverages in moving MV	15
574.060	Refusal to disperse MC	2	577.023	Driving while intoxicated Second MA, Third FD	19
574.070	Promoting civil disorder 1st FC	0	577.051	Failure to furnish M.U.L.E. records MC	0
574.075	Drunkenness or drinking in prohibited places M	2	577.060	Leaving scene of motor vehicle accident MA/FD	494
574.085	Burial discretion - Institutional Vandalism	6	577.070	Littering MA	42
574.090	Ethnic intimidation FD	0	577.073	Littering in state parks	0
574.093	Ethnic intimidation SD	0	577.075	Release of Anhydrous Ammonia	5
574.105	Money Laundering	0	577.076	Littering with carcasses	0
574.115	Making a terrorist threat	9	577.080	Abandoning motor vehicle MA	1
575.020	Concealing an offense MA	2	577.100	Abandonment of airtight containers	0
575.030	Hindering prosecution	76	577.110	Operating MV while under 16 years of age	0
575.040	Perjury FA/B/C/D	1	577.150	Corrupting or diverting water supply	0
575.050	False affidavit MA/C	2	577.155	Prohibition of waste disposal wells	0
575.060	False declarations MB	19	577.161	Can't prohibit disabled life jackets in pool	0
575.080	False reports MB	72	577.600	Failure to use ordered ignition interlock device	4
575.090	False bomb report D-fel	7	577.612	Tampering w/ ignition interlock device	1
575.100	Tampering with physical evidence	25	578.009	Animal neglect MA	17
575.110	Tampering with public records	0	578.012	Animal abuse	84
575.120	False impersonation	4	578.025	Dog fighting MA/FD	5
575.130	Simulating legal process	0	578.027	Dog baiting MA	0
575.145	Failed to Obey Sheriff's Deputy	6	578.050	Bull baiting and cockfighting MA	1
575.150	Resisting. Interference. w/Arrest. FD/MA	869	578.150	Failure to return rented personal property MA/FD	241
575.160	Interference. w/Legal Process MB	1	578.151	Interfere w/ Lawful Hunt	2
575.195	Escape from commitment FD	1	578.154	Possession of Anhydrous Ammonia	25
575.200	Escape/attempt escape from custody MA FA/D	44	578.250	Inhaling/ inducing others to inhale fumes MB	35
575.210	Escape/attempt escape from confinement FA/C/I	34	578.255	Induce or possess w/intent to induce intoxication	2
575.220	Failure to return to confinement MA/FC	33	578.260	Possess/purchase solvents to aid others MB	0
575.230	Aiding escape of a prisoner FB/D MA	4	578.265	Sell or Transfer Solvents FC	1
575.240	Permitting escape	0	578.305	Assault w/ intent to hijack bus	0
575.250	Disturbing judicial proceeding	0	578.365	Hazing	0
575.260	Tampering with judicial process	1	578.377	Unlawful receipt of food stamps MA/FD	4
575.270	Tampering with a witness FC/MA	61	578.379	Unlawful conversion of food stamps MA/FD	0
575.280	Official acceding to corruption	0	578.381	Unlawful transfer of food stamps MA/FD	0
575.290	Improper communication	0	578.395	Ticket scalping	1
575.300	Juror misconduct	0	578.423	Knowingly participating in street gang activity MA	0
575.310	Misconduct in selecting or summoning juror	0	578.425	Promoting or assisting gang conduct MA	0
575.320	Misconduct in administration of justice	0	578.433	Maintaining public nuisance	0
575.350	Killing or Disabling a Police Animal	0	578.445	Possession tools to break into vending mach	0
576.010	Bribery of a public servant FD	3	589.400	Registration of certain offenders with chief law	14
576.020	Public servant acceding to corruption FD	1	589.414	Failure to register as a sex offender	9
576.030	Obstructing government operations MB	8	589.425	Failure to register penalty, subsequent	104
576.040	Official misconduct MA	0	602.300	Unlawfully possessing a tobacco product	0
576.050	Misuse of official information MA	0	632.480	Sexually violent predator	0
576.060	Failure to give a tax list	0	701.057	Construction of on-site sewage disposal system	0
576.070	Treason FA	0	701.046	Sewage Disposal construction or modification	0
577.005	Vehicular manslaughter	0	999.999	Witness Only	11

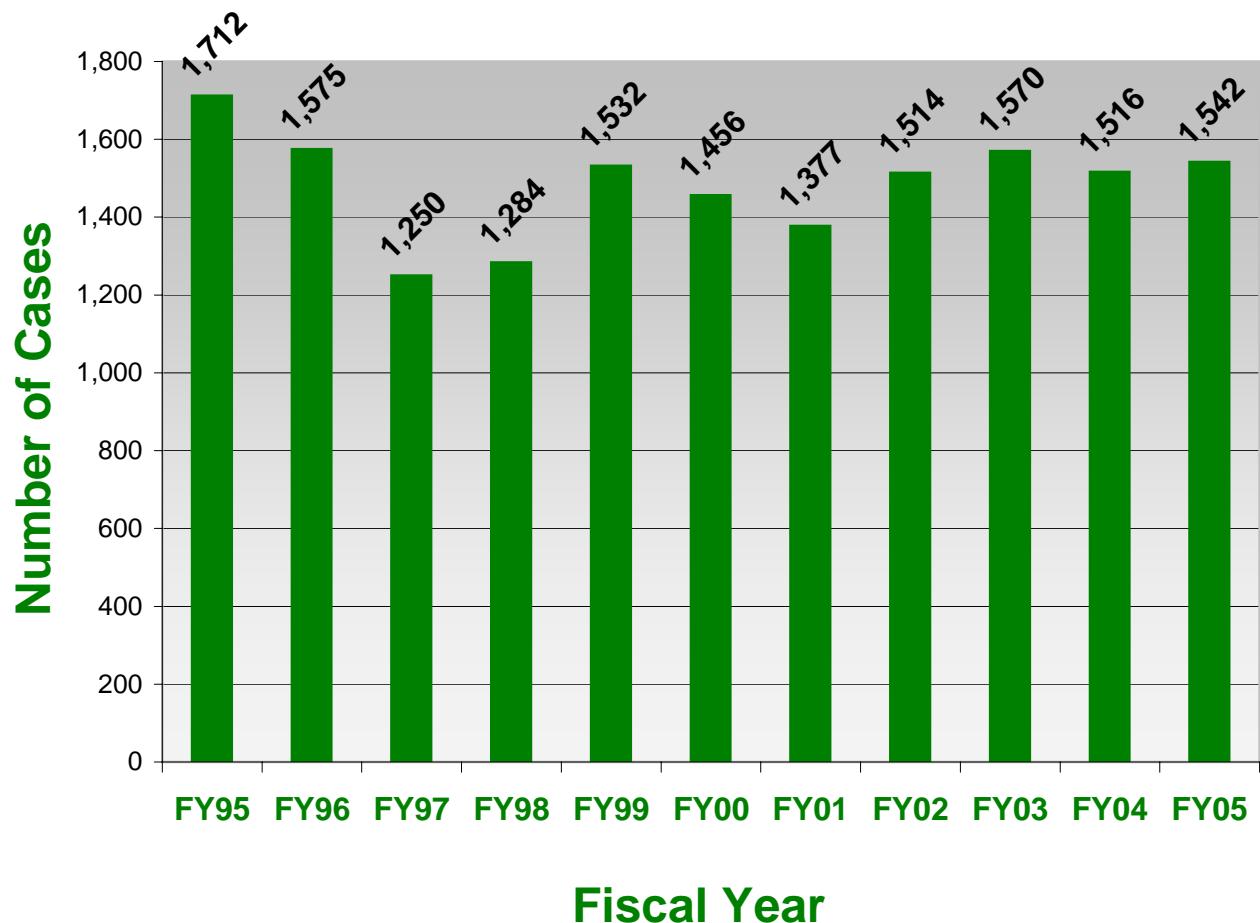
FY2005
CONFLICT ASSIGNMENTS
by Case Type

Code	Description	# of Cases Assigned
00	Advice of Counsel	2
10	Murder – Death Penalty	4
15	Murder – 1 st Degree	15
20	Other Homicide	8
30	A-B Felony	201
35	C-D Felony	270
40	Misdemeanor	87
52	Juvenile	15
54	Post Conviction Relief – Rule 24	74
59	Post Conviction Relief – Rule 29	9
60	Chapter 552	0
62	Sexual Predator	2
65	Probation Violation	32
80	29.15 Appeal	2
82	Direct Appeal	4
	Total Private Counsel Conflict Assignments	743

FY2005
APPELLATE DIVISION CASELOAD
Cases Opened and Closed

	Central Columbia		Eastern St. Louis		Western Kansas City		
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	Totals
Death PCR							
Opened	2	2	2		1		7
Closed	2	2	3				7
Felony							
Opened	206		46	49	21	22	344
Closed	203	4	58	55	35	29	384
PCR Appeals							
Opened	66	39	77	70	35	35	322
Closed	65	45	54	56	40	58	318
PCR Trials							
Opened	1	296	169	169	103	110	848
Closed	1	332	171	142	120	103	869
Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, CDU, etc.)							
Opened	12	4	1	2		2	21
Closed	28	3	2	3	2	1	39
Appellate Division							
Opened	287	341	295	290	160	169	1,542
Closed	299	386	288	256	197	191	1,617
Totals							
Opened	628		585		329		1,542
Closed	685		544		388		1,617
	Central Columbia		Eastern St. Louis		Western Kansas City		

Number of New Appellate Cases



FY2005
Appellate Cases Disposed
By Disposition Code

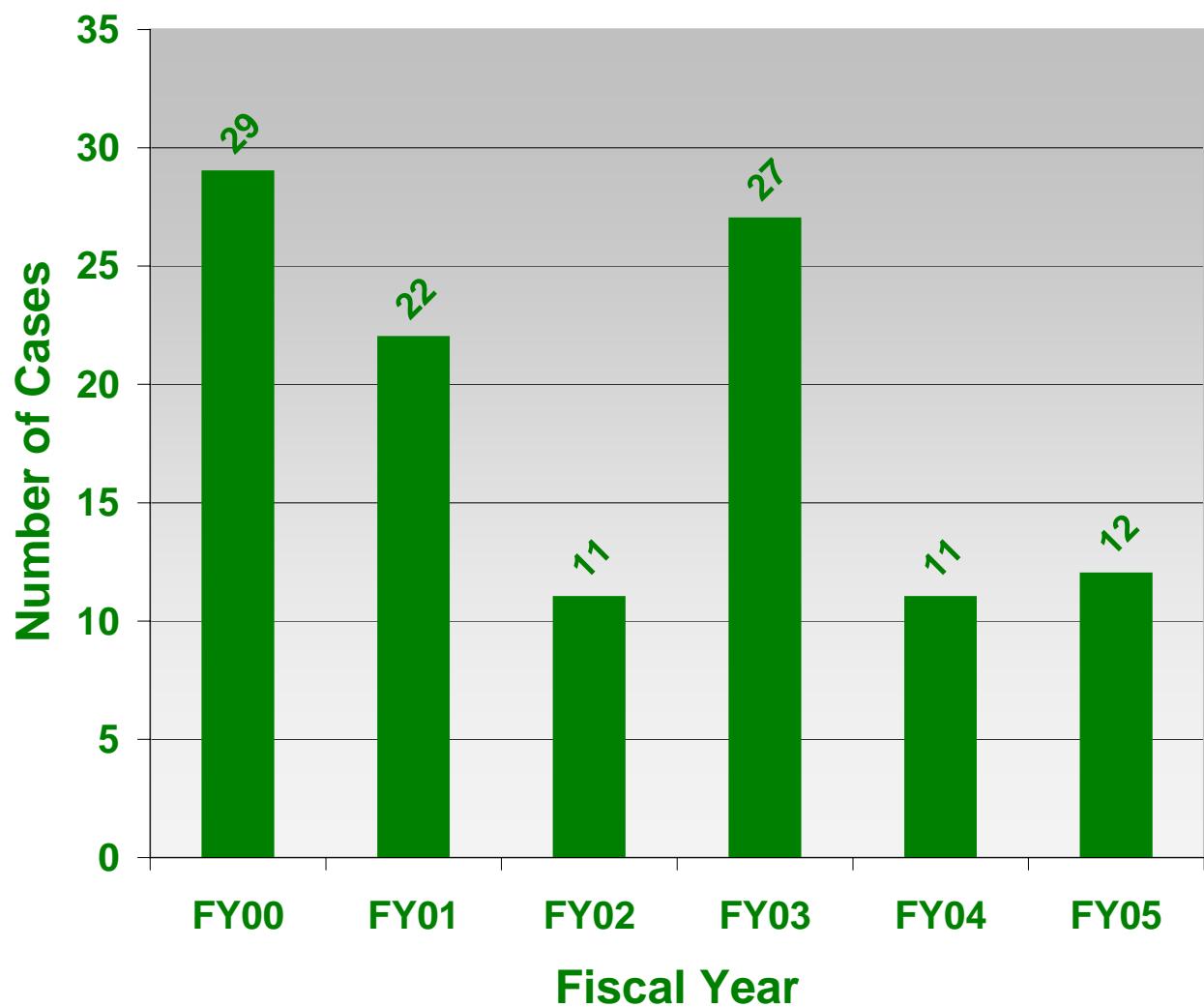
Code		District 50	District 51	District 52	District 67	District 68	District 69
42	Conflict (transferred for assignment)	2	3	5	54	1	15
41	Conflict (transfer to PD Office)	7	1	4	7	9	9
37	Guilty Plea Vacated		2	2	15		3
36	Reversed for Sufficiency/Client Discharged	3		1			
35	Reversed - Findings of Fact/Conclusions of Law	2	1	1			1
34	Reversed for New Trial				1		
33	Reversed & Remanded for Sentencing Relief	1	1	4	10	5	3
32	Reversed & Remanded for Resentencing	2				1	
31	Reversed & Remanded for PCR Hearing	1	2	2		2	2
30	Reversed & Remanded for New Trial	13		3	2		3
21	Denied Without Hearing	1	59	12	48	50	15
20	Denied After Hearing		27	30	65	32	22
12	Summary Affirmance	142	86	4	7	82	2
11	Affirmed in part/Reversed & Remanded in Part	11	1			3	1
10	Affirmed After Opinion	74	6	52	37	15	56
03	Dismissed by Court	7	20	7	34	17	12
02	Voluntary Dismissal	16	60	57	86	29	34
01	Withdraw	15	16	9	15	7	9
00	Unknown	2	3	4	5	3	4
		299	288	197	386	256	191

**FY2005
CAPITAL DIVISION
Death Penalty Caseload**

	Opened	Closed	Current
Central Office—Columbia			
Trials	4	6	6
Appeals	2	2	1
Totals	6	8	7
Eastern Office—St. Louis City			
Trials	5	9	13
Appeals	1	1	2
Totals	6	10	15
Western Office—Kansas City			
Trials	3	2	5
Appeals	2	2	3
Totals	5	4	8
Total Death Penalty Cases			
Trials	12	17	24
Appeals	5	5	6
Totals	17	22	30

The Direct Appeals of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeals of death penalty cases assist the Capital Division Trial staff in trial preparation.

Number of New Capital Cases



Cases Closed

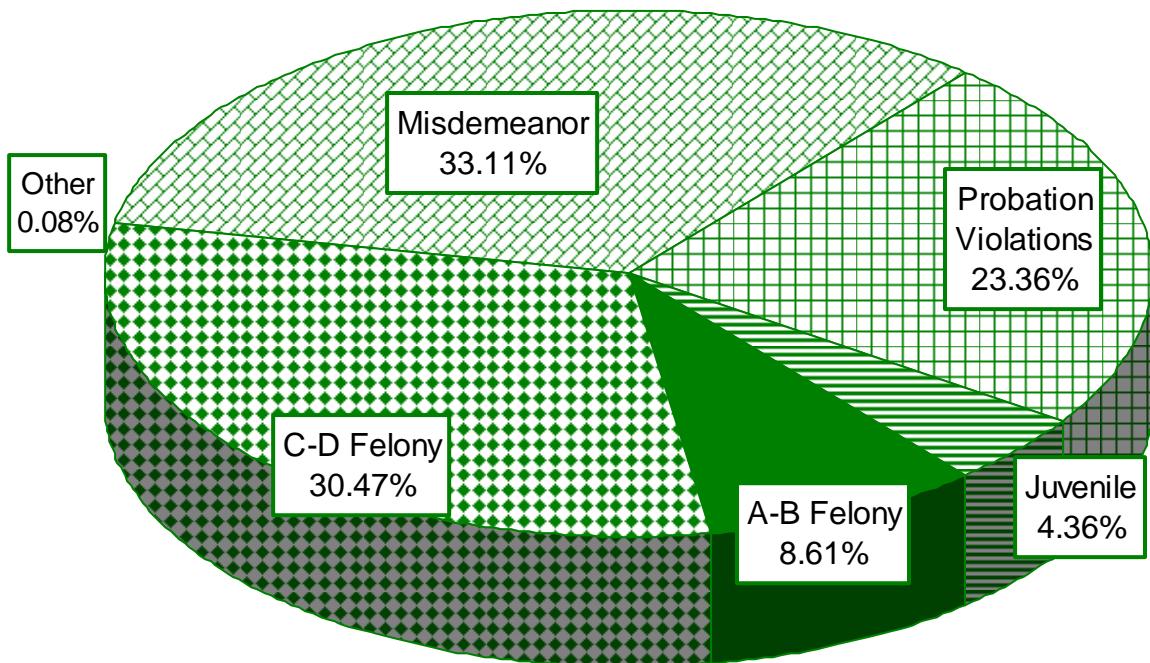
The State Public Defender System's Trial Division closed 84,801 cases in Fiscal Year 2005.

FY 2005 Trial Division Closed Cases by Case Type		
	Description	# of Cases
10	Murder – Death Penalty	6
15	Murder – 1 st Degree	101
20	Other Homicide	112
30	A-B Felony	7,084
35	C-D Felony	25,842
40	Misdemeanor	20,676
45	Misdemeanor – Traffic	7,399
50	Juvenile – Status	547
52	Juvenile – Criminal	3,152
54	Post Conviction Relief/Rule 24 & Rule 29	1
60	Chapter 552	34
61	Sexual Predator Hearings & Trials	4
65	Probation Violation	19,812
75	Writ	18
80	Appeal	10
82	Direct Appeal	3
	Total Trial Division Closed Cases	84,801

TRIAL DIVISION CASE DISPOSITIONS
FIVE FISCAL YEAR COMPARISONS - FY01 to FY2005
BY DISTRICT

District #	District Name	FY01 Cases Disposed	FY02 Cases Disposed	FY03 Cases Disposed	FY04 Cases Disposed	FY05 Cases Disposed	# Change 2001 to 2005	% Change 2001 to 2005
1	St. Louis Juvenile	1,587	1,358	1,101	1,272	797	-790	-49.78%
2	Kirksville	478	523	650	685	625	147	30.75%
4	Maryville	414	633	654	745	607	193	46.62%
5	St. Joseph	2,237	2,149	2,314	2,271	2,351	114	5.10%
6	Kansas City Juvenile	326	935	1,197	1,154	1,400	1,074	329.45%
7	Liberty	3,243	3,134	3,464	3,574	3,330	87	2.68%
10	Hannibal	1,276	1,285	1,460	1,568	1,691	415	32.52%
11	St. Charles	1,702	1,905	1,923	1,686	1,747	45	2.64%
12	Fulton	1,537	1,551	1,519	1,895	1,994	457	29.73%
13	Columbia	3,677	3,941	4,042	4,136	4,123	446	12.13%
14	Moberly	1,042	1,099	1,349	1,442	1,691	649	62.28%
15	Sedalia	1,393	1,480	1,722	1,990	1,871	478	34.31%
16	Kansas City	8,134	7,236	8,581	8,836	8,065	-69	-0.85%
17	Harrisonville	2,471	2,345	2,347	2,679	2,561	90	3.64%
19	Jefferson City	1,388	1,154	1,056	1,265	1,177	-211	-15.20%
20	Union	1,480	1,750	2,088	1,676	1,530	50	3.38%
21	St. Louis County	3,082	3,193	1,550	2,459	3,746	664	21.54%
22	St. Louis City	6,842	6,854	5,519	7,802	7,794	952	13.91%
23	Hillsboro	1,234	1,551	1,778	1,896	2,297	1,063	86.14%
24	Farmington	1,787	1,876	2,111	2,268	2,305	518	28.99%
25	Rolla	2,416	2,922	3,234	3,587	3,314	898	37.17%
26	Lebanon	2,325	2,263	2,797	2,423	2,775	450	19.35%
28	Nevada	1,151	1,228	1,258	1,349	1,351	200	17.38%
29	Carthage	2,853	4,429	4,181	4,120	4,095	1,242	43.53%
30	Buffalo	1,118	1,175	1,626	1,855	1,895	777	69.50%
31	Springfield	2,839	3,201	3,931	4,291	4,773	1,934	68.12%
32	Cape Girardeau	2,674	2,420	2,679	2,790	2,566	-108	-4.04%
34	Caruthersville	1,085	1,105	1,133	1,104	1,063	-22	-2.03%
35	Kennett	1,719	1,678	1,837	1,914	1,695	-24	-1.40%
36	Poplar Bluff	1,549	1,490	1,804	1,600	1,891	342	22.08%
37	West Plains	685	875	1,040	1,135	1,137	452	65.99%
39	Monett	2,050	2,151	2,132	2,044	1,875	-175	-8.54%
43	Chillicothe	2,036	2,311	2,364	2,586	2,512	476	23.38%
44	Ava	489	539	661	756	810	321	65.64%
45	Troy	874	961	982	1,161	1,347	473	54.12%
49	St. Louis Conflicts	694	614	917	105		-694	-100.00%
Total Trial Division		71,887	75,314	79,001	84,119	84,801	12,914	17%
Dispositions								
							FY01 to FY05	

Fiscal Year 2005 - Trial Division Closed Cases by Case Type

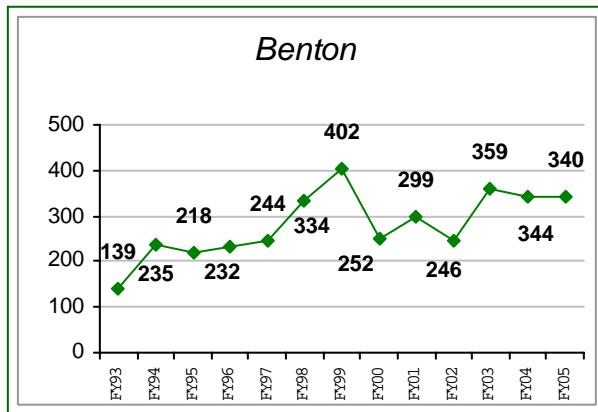
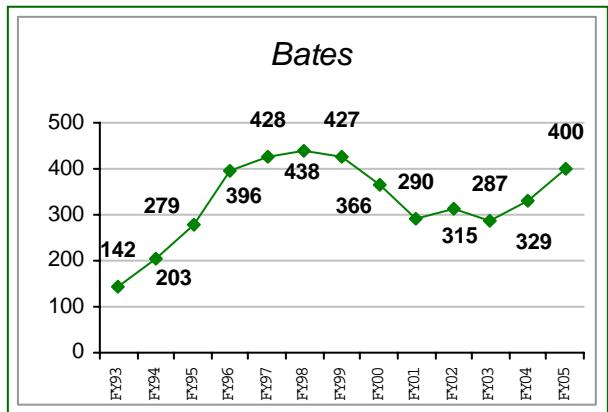
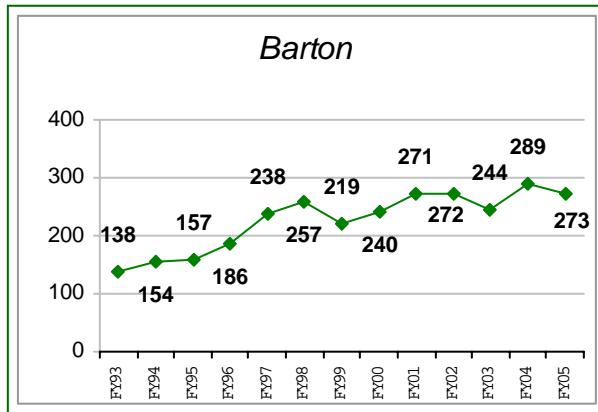
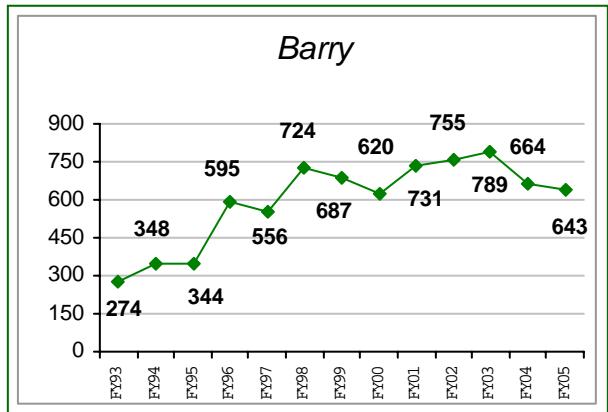
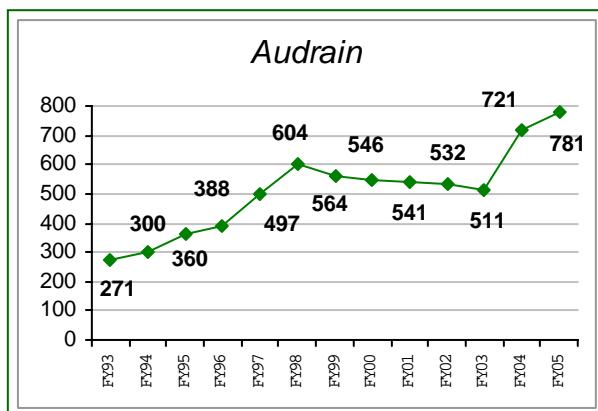
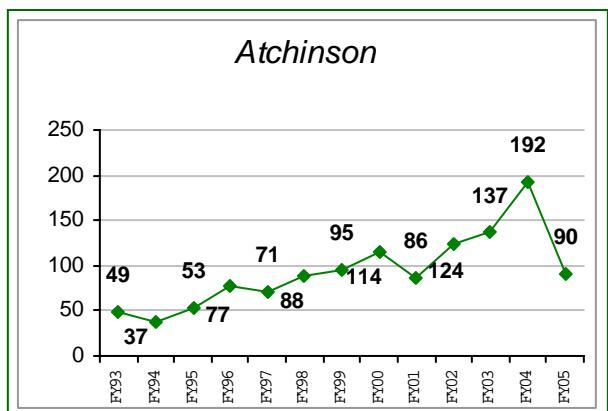
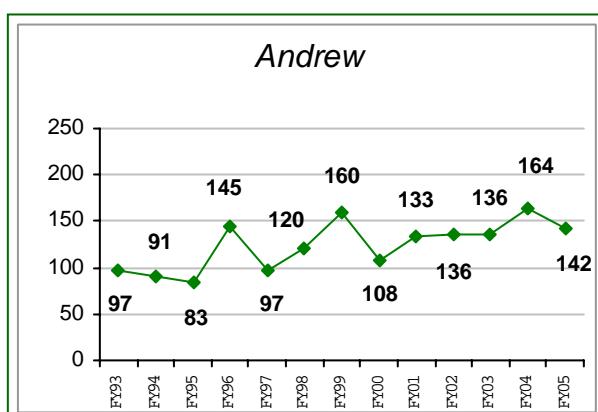
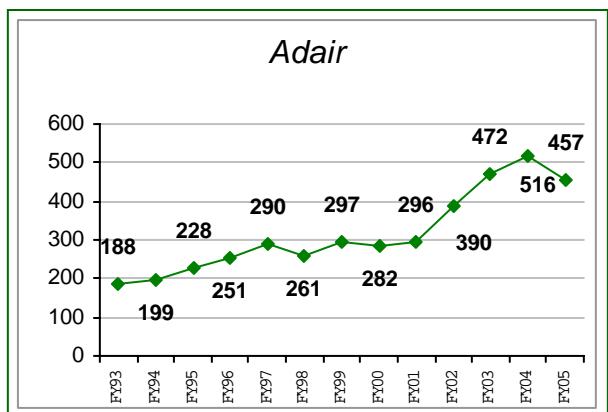


Felony Cases Closed	33,145 or 39.09% of the total caseload
Misdemeanor Cases Closed	28,075 or 33.11% of the total caseload
Probation Violation Cases	19,812 or 23.36% of the total caseload
Juvenile Cases Closed	3,700 or 4.36% of the total caseload

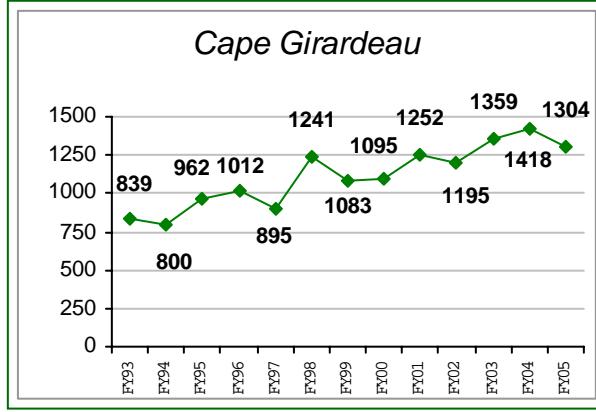
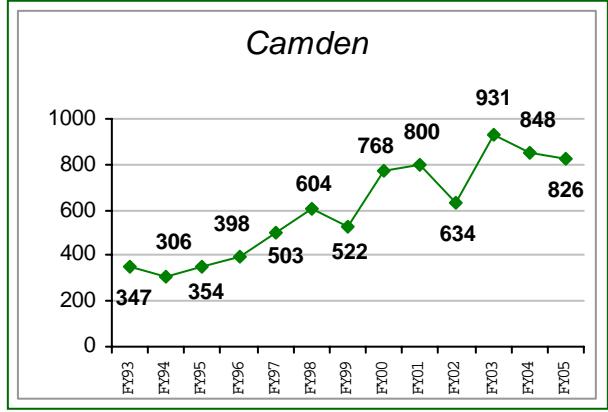
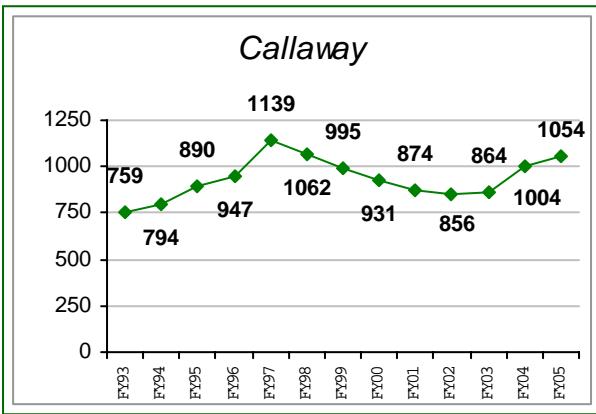
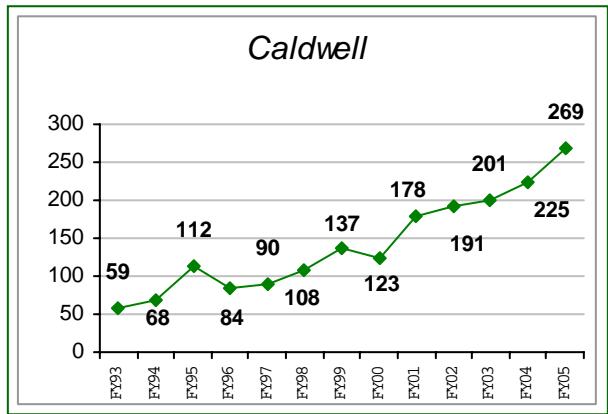
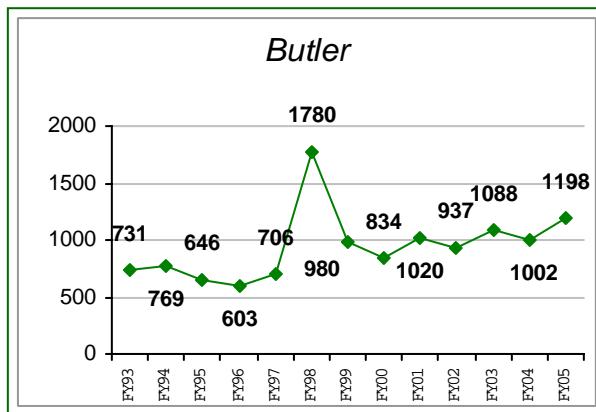
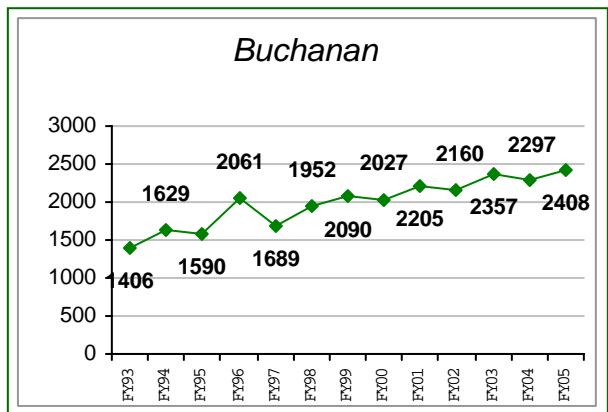
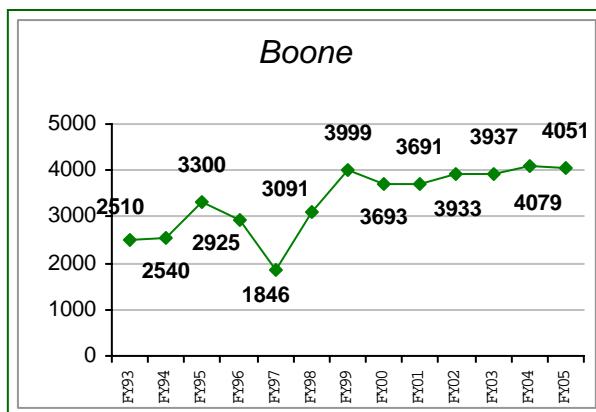
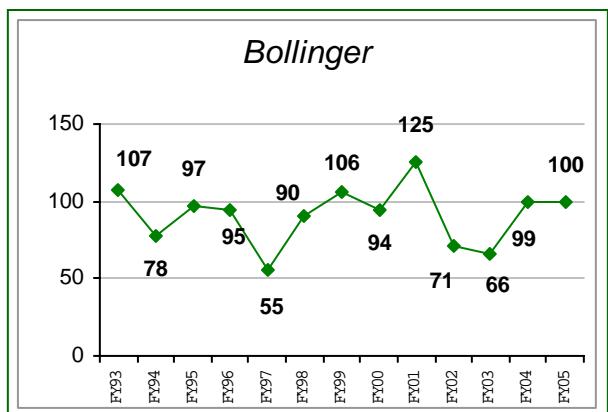
**Fiscal Year 2004 - Trial Division Caseload
Opened and Disposed by County**

County	FY2005 Opened	FY2005 Disposed	County	FY2005 Opened	FY2005 Disposed	County	FY2005 Opened	FY2005 Disposed	County	FY2005 Opened	FY2005 Disposed
Adair	507	457	Dallas	286	272	Livingston	300	283	Randolph	647	663
Andrew	142	142	Daviess	267	277	Macon	374	407	Ray	592	559
Atchinson	90	90	DeKalb	237	216	Madison	93	115	Reynolds	57	65
Audrain	820	781	Dent	325	295	Maries	140	137	Ripley	236	222
Barry	679	643	Douglas	240	206	Marion	786	802	Saline	406	403
Barton	284	273	Dunklin	998	1,023	McDonald	387	353	Schuyler	50	44
Bates	439	400	Franklin	1,356	1,319	Mercer	93	106	Scotland	68	67
Benton	354	340	Gasconade	234	250	Miller	471	530	Scott	657	645
Bollinger	93	100	Gentry	78	70	Mississippi	357	321	Shannon	138	166
Boone	4,013	4,051	Greene	3,380	3,168	Moniteau	158	170	Shelby	281	298
Buchanan	2,404	2,408	Grundy	204	216	Monroe	154	139	Ste. Genevieve	179	194
Butler	1,143	1,198	Harrison	243	260	Montgomery	182	189	Stoddard	703	680
Caldwell	258	269	Henry	515	494	Morgan	339	385	Stone	519	478
Callaway	985	1,054	Hickory	126	136	New Madrid	454	457	St. Charles	1,376	1,433
Camden	808	826	Holt	72	70	Newton	1,226	1,097	St. Clair	256	241
Cape Girardeau	1,303	1,304	Howard	112	121	Nodaway	158	156	St. Francois	996	1,088
Carroll	179	180	Howell	811	845	Oregon	152	163	St. Louis City	8,360	8,529
Carter	148	127	Iron	221	216	Osage	87	94	St. Louis Co.	3,735	3,697
Cass	910	892	Jackson	9,957	9,481	Ozark	135	139	Sullivan	103	99
Cedar	357	365	Jasper	2,828	2,710	Pemiscot	589	595	Taney	909	930
Chariton	140	138	Jefferson	2,639	2,340	Perry	233	272	Texas	507	574
Christian	734	744	Johnson	531	548	Pettis	691	674	Vernon	716	657
Clark	182	195	Knox	59	58	Phelps	1,092	1,054	Warren	301	310
Clay	1,945	1,921	Laclede	856	854	Pike	345	314	Washington	597	571
Clinton	270	254	Lafayette	569	524	Platte	1,200	1,069	Wayne	303	329
Cole	947	1,008	Lawrence	588	509	Polk	733	738	Webster	517	504
Cooper	260	268	Lewis	140	119	Pulaski	496	644	Worth	20	16
Crawford	674	658	Lincoln	1,025	1,031	Putnam	105	123	Wright	453	465
Dade	119	107	Linn	356	357	Ralls	169	170			
										85,821	84,801

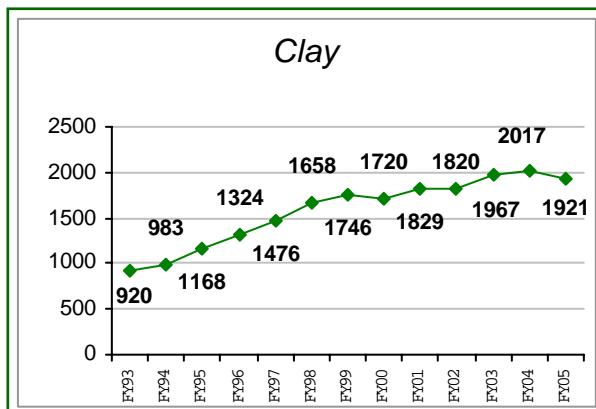
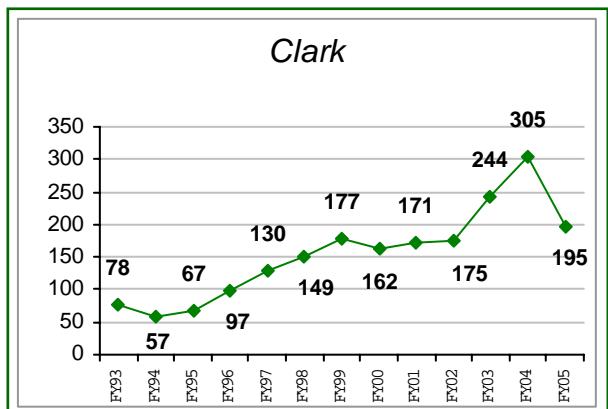
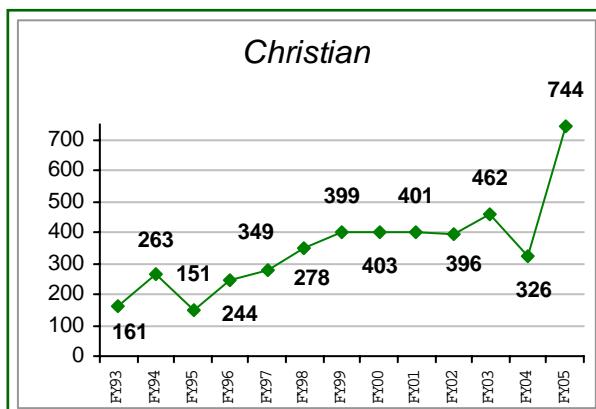
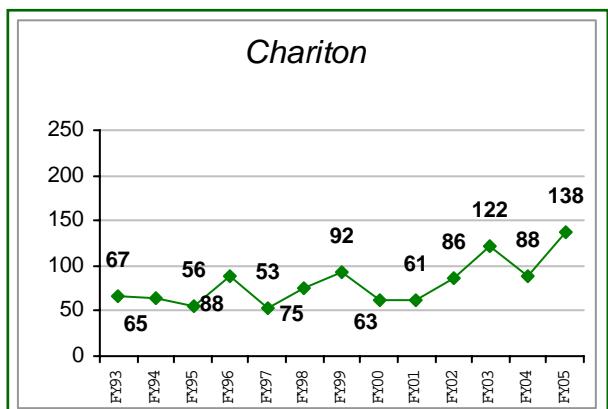
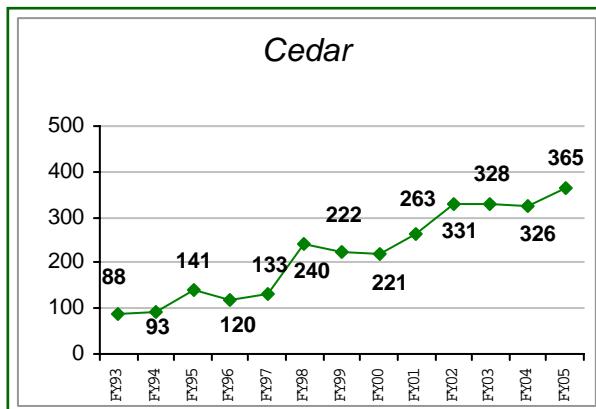
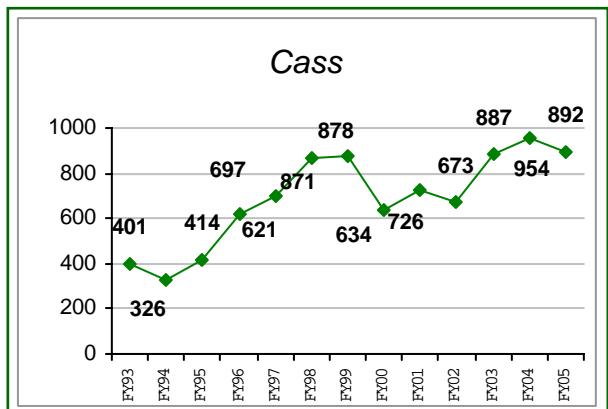
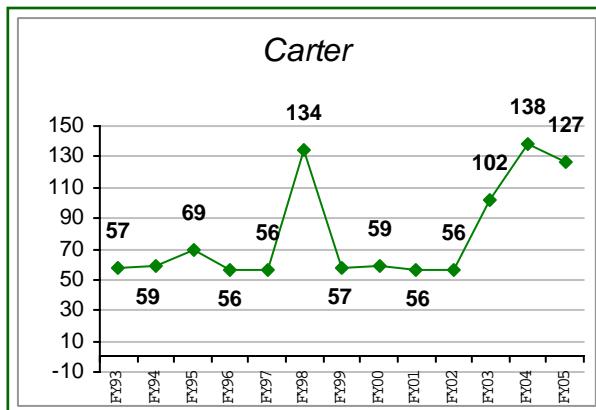
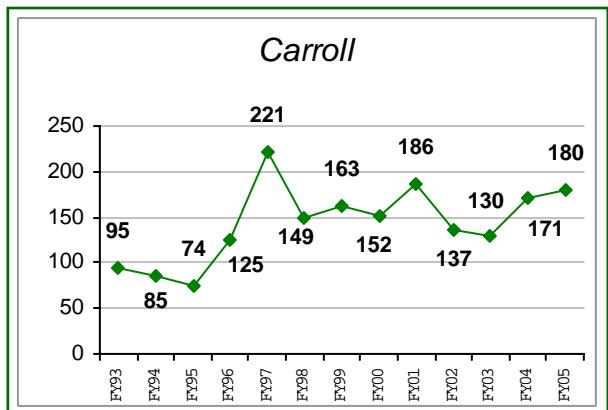
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



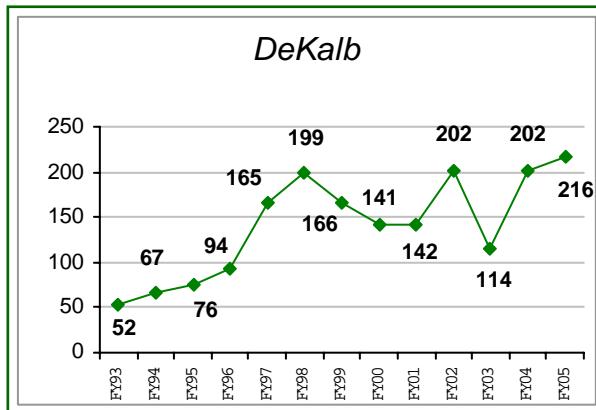
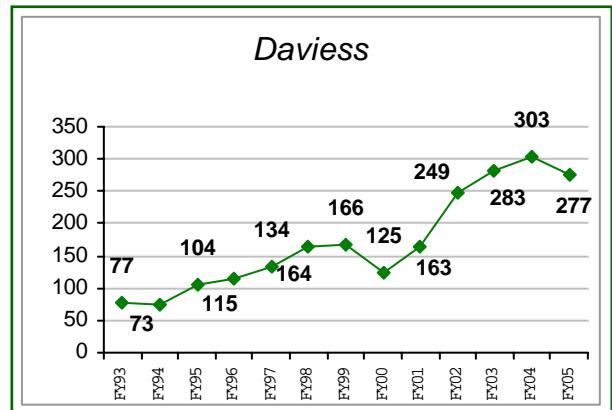
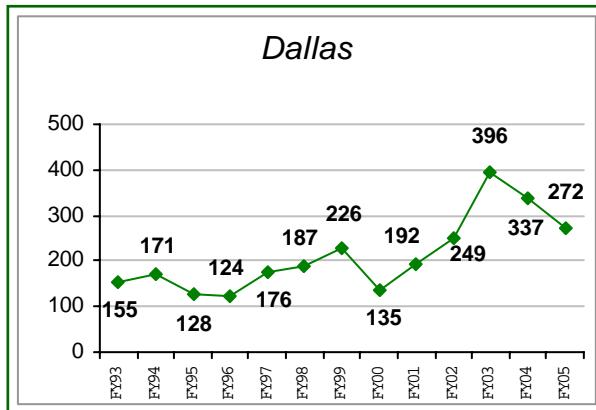
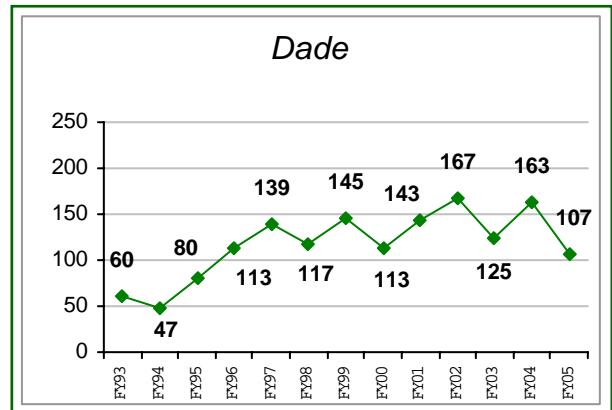
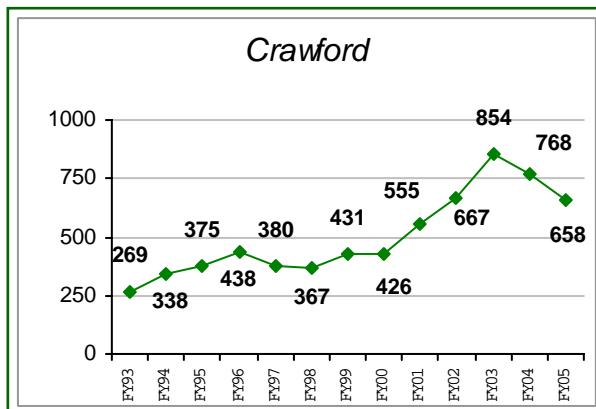
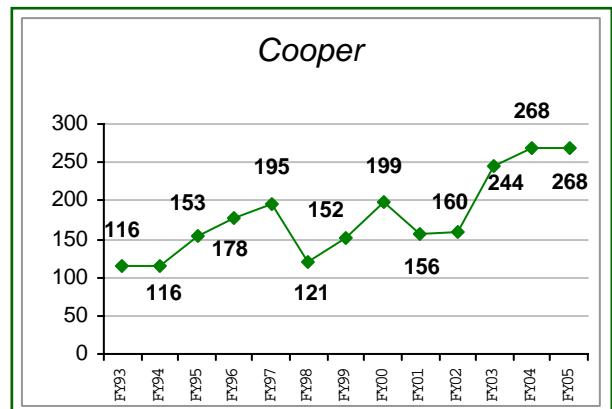
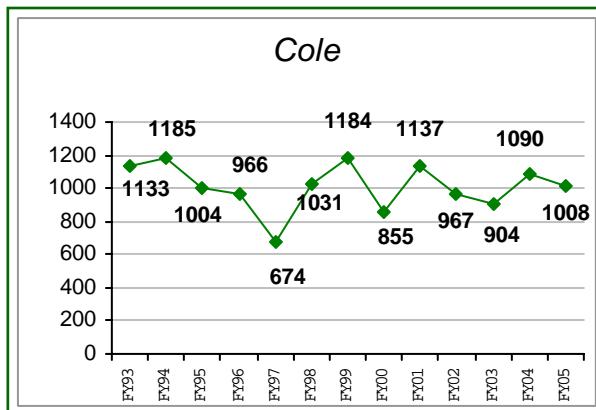
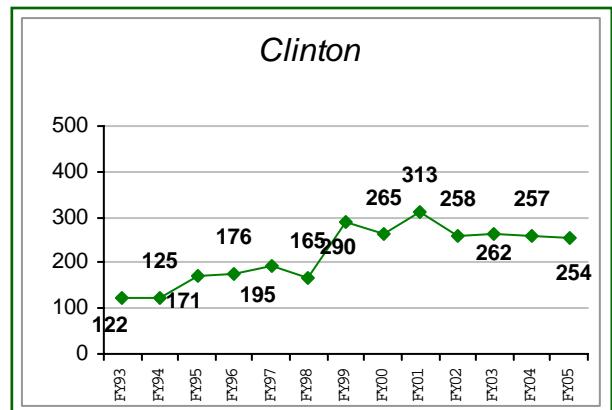
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

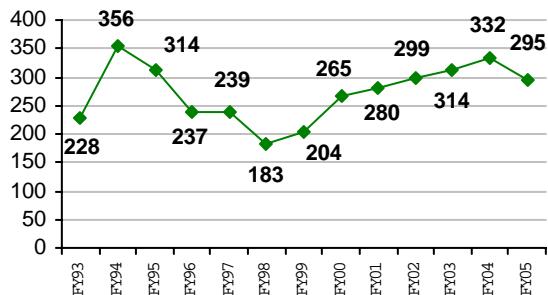


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

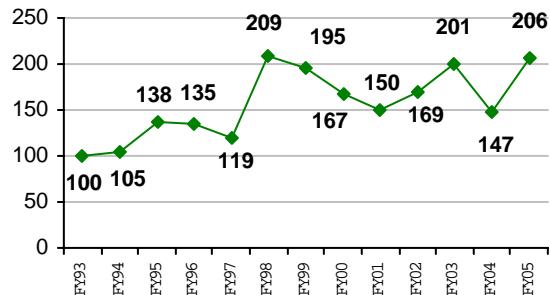


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

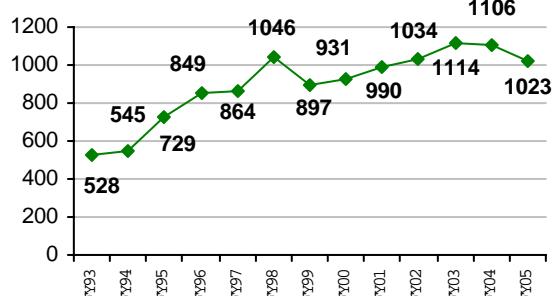
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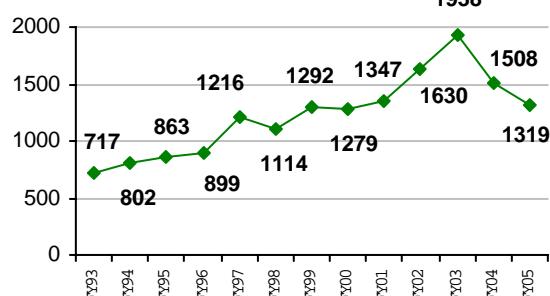
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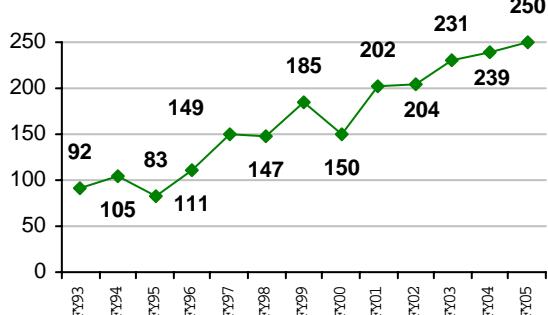
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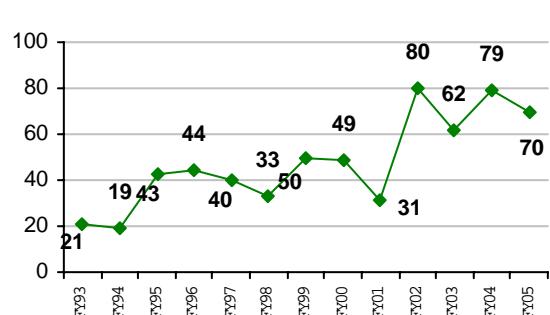
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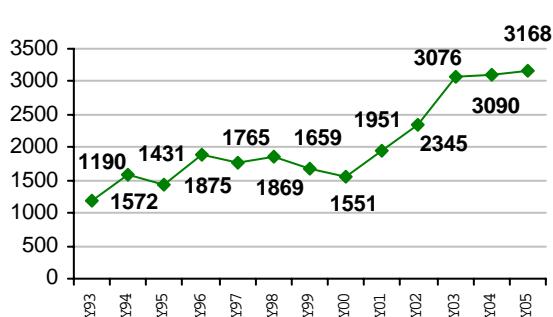
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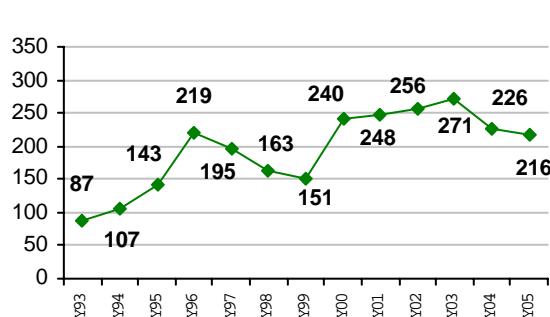
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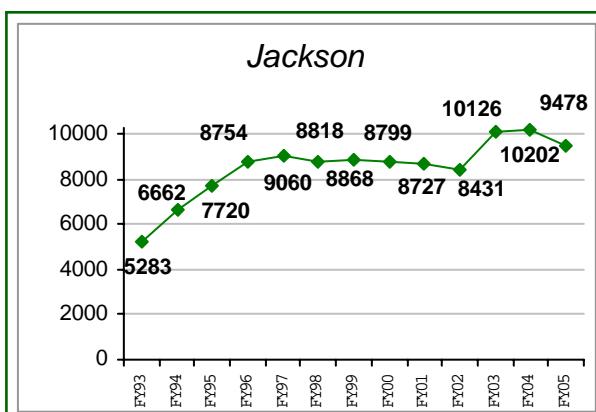
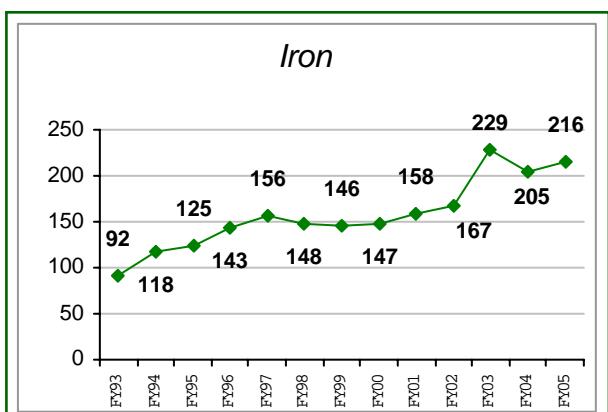
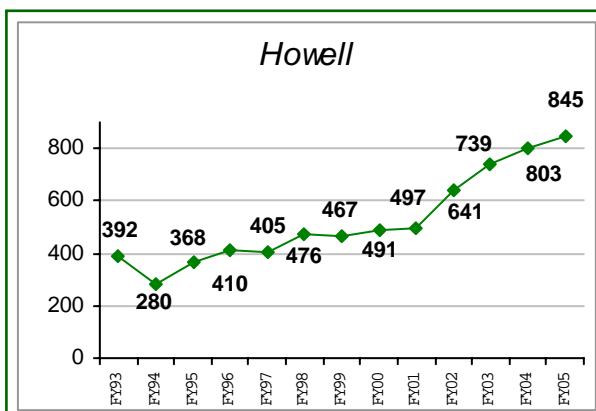
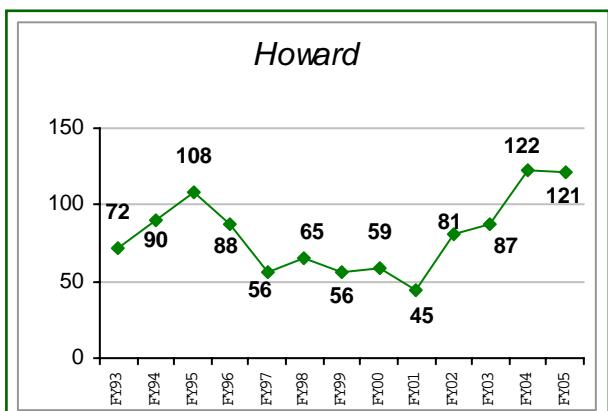
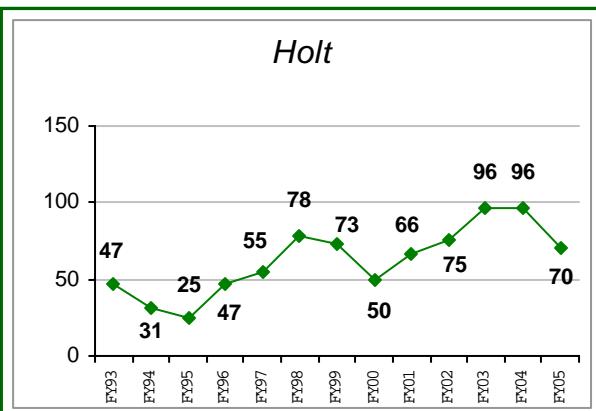
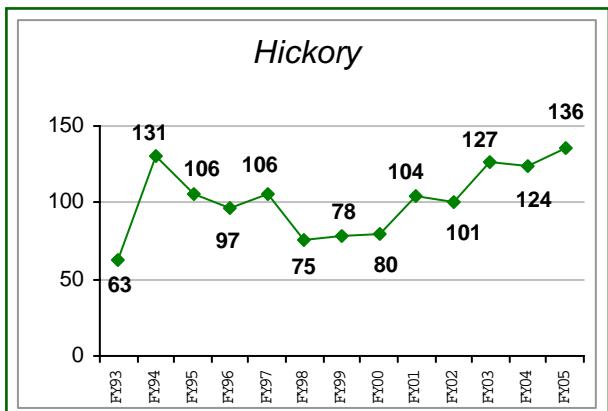
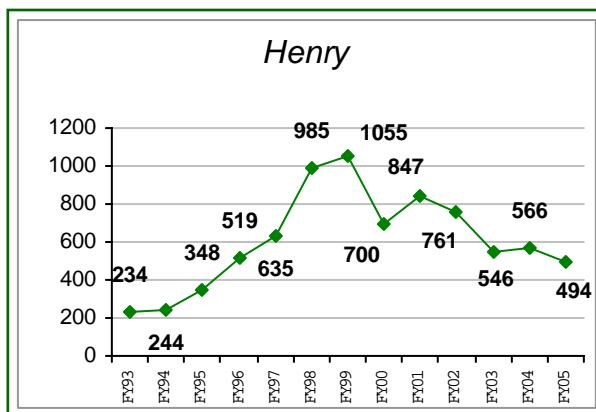
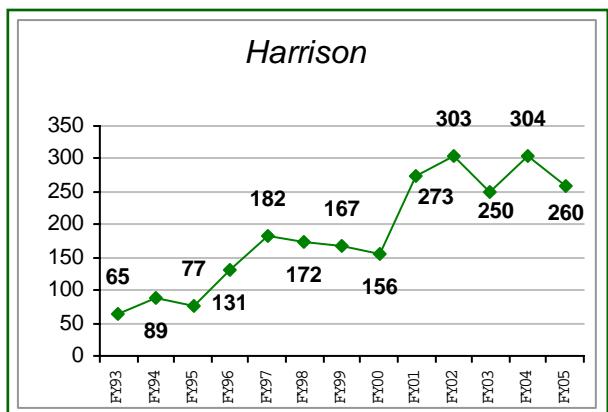
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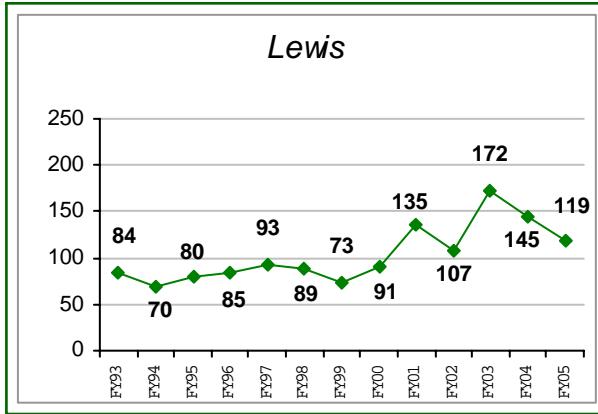
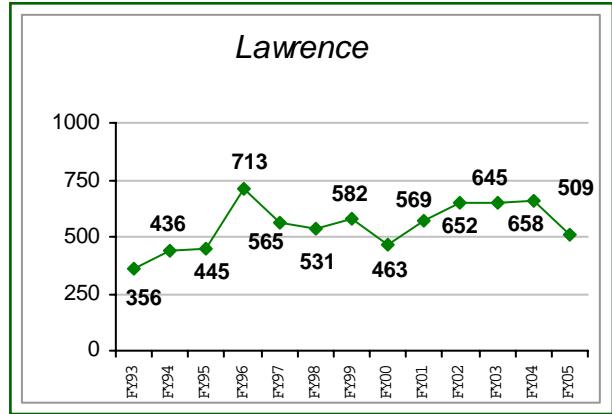
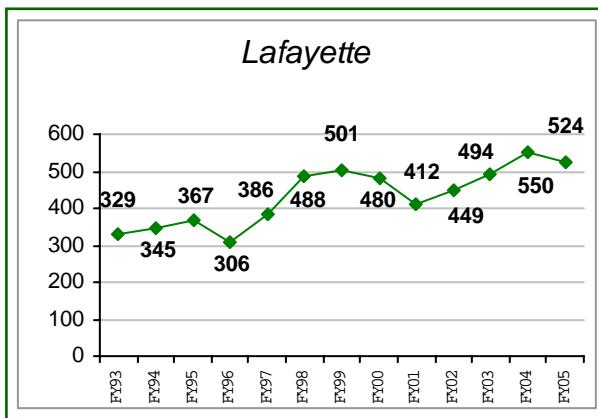
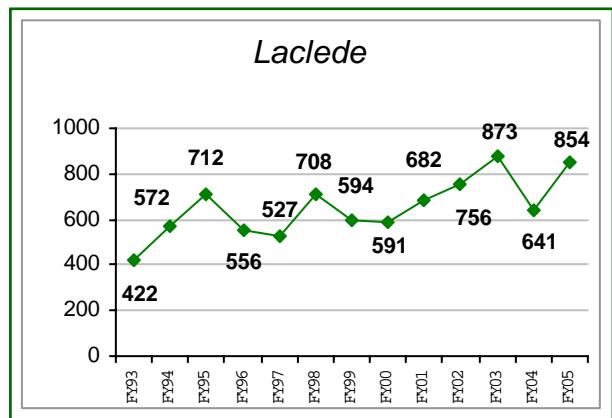
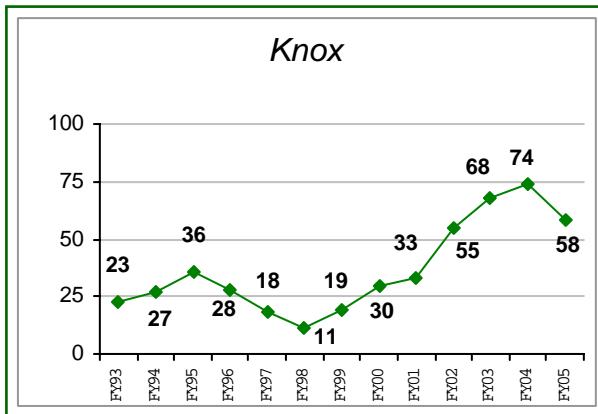
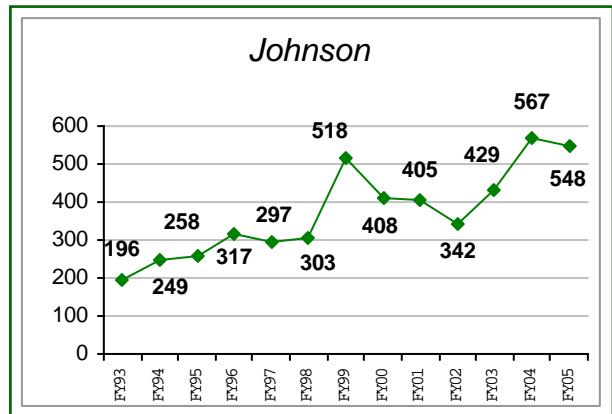
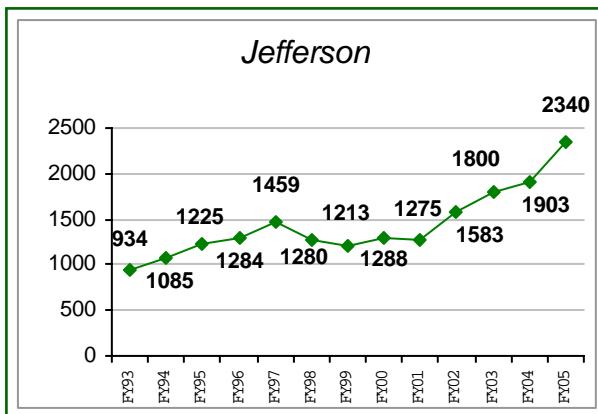
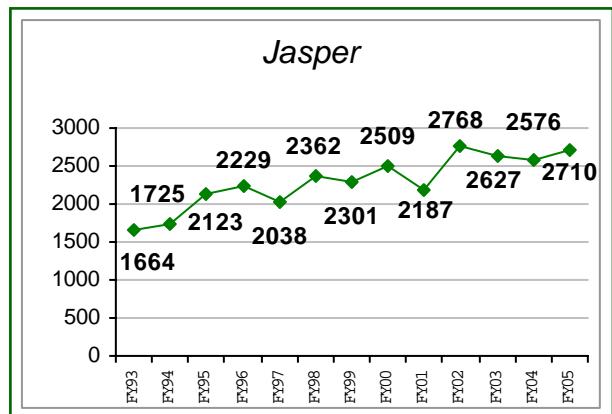
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FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

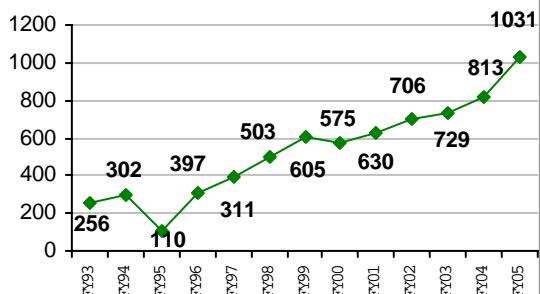


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

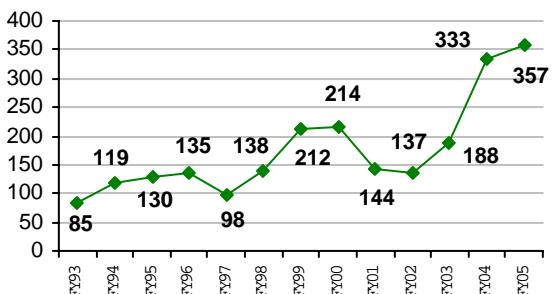


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

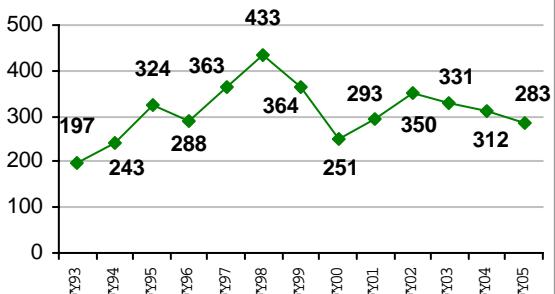
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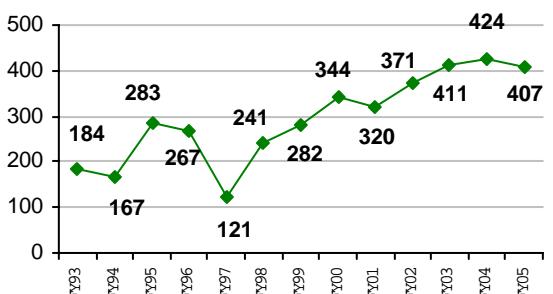
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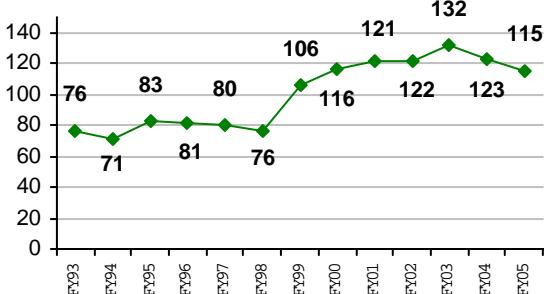
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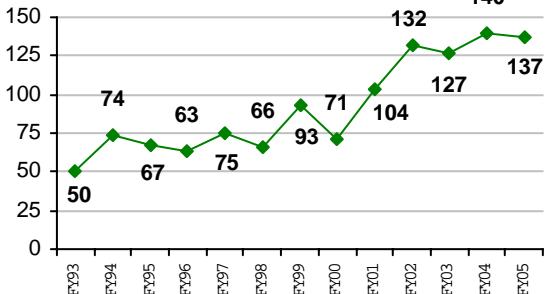
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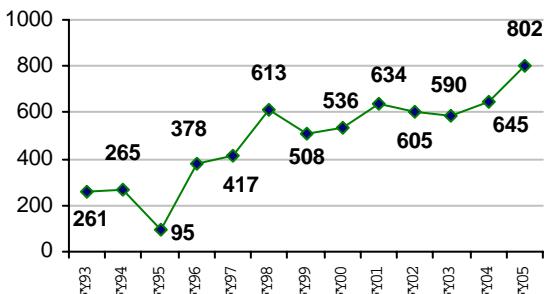
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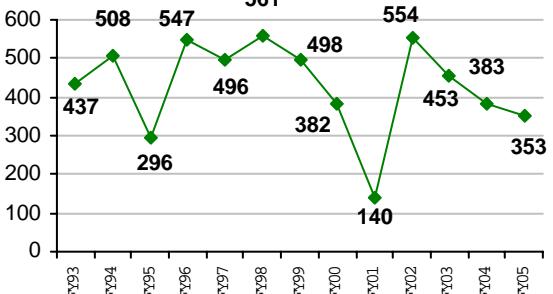
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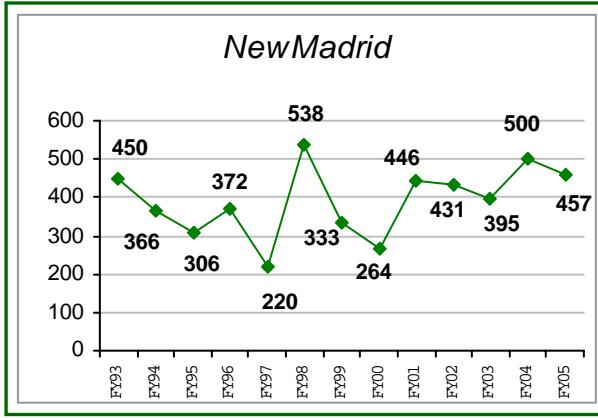
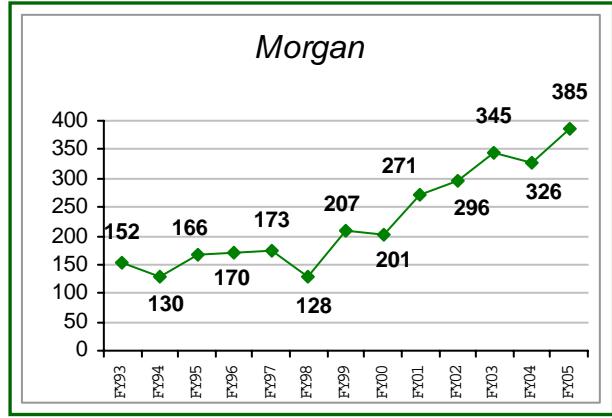
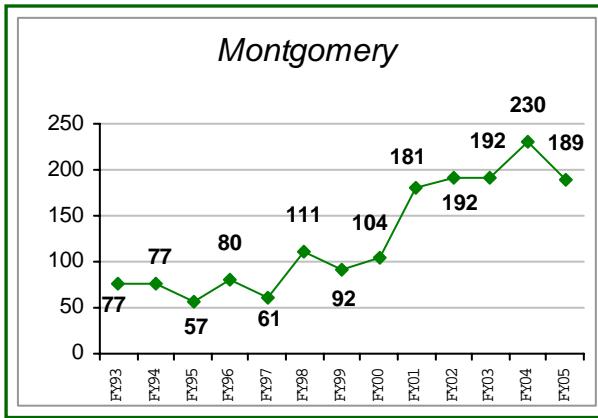
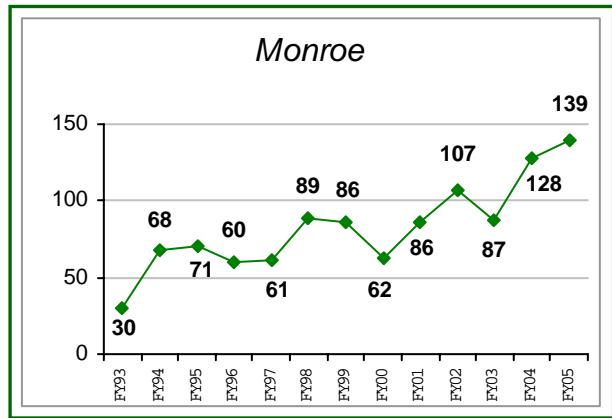
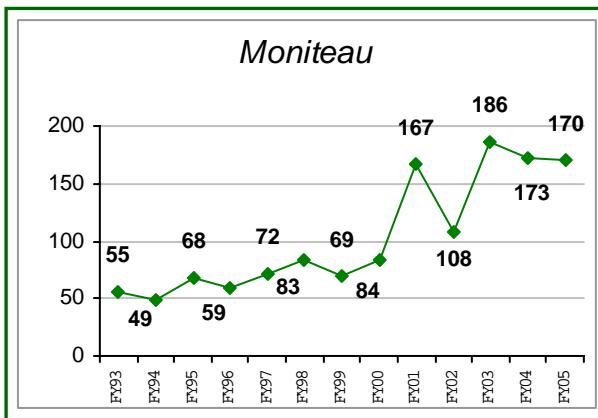
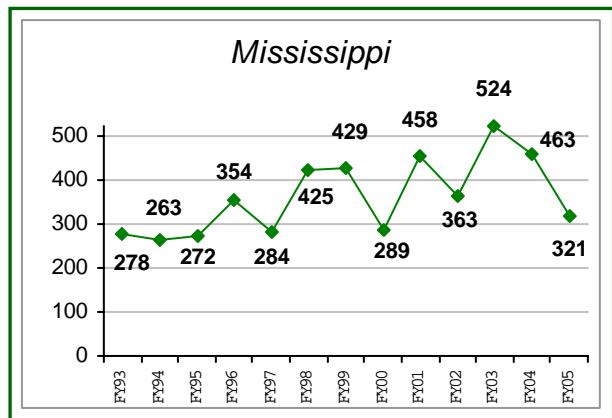
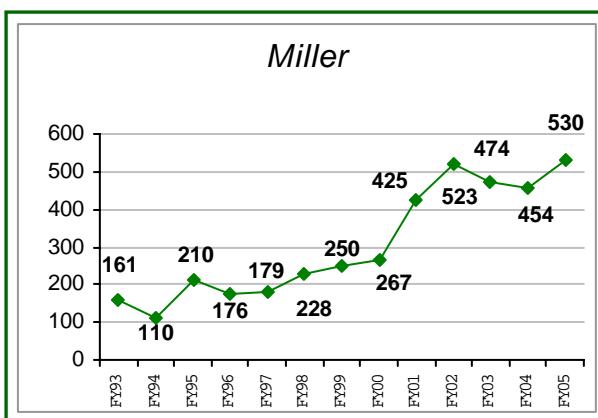
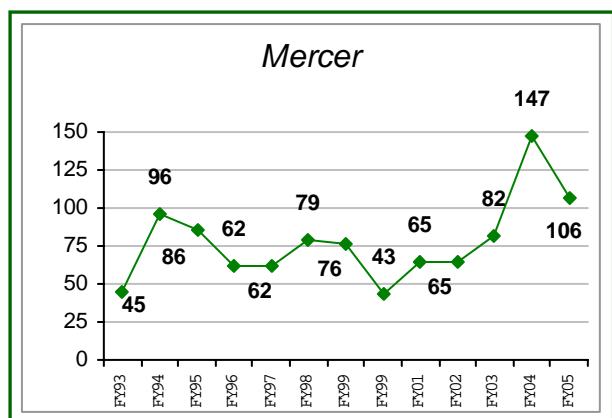
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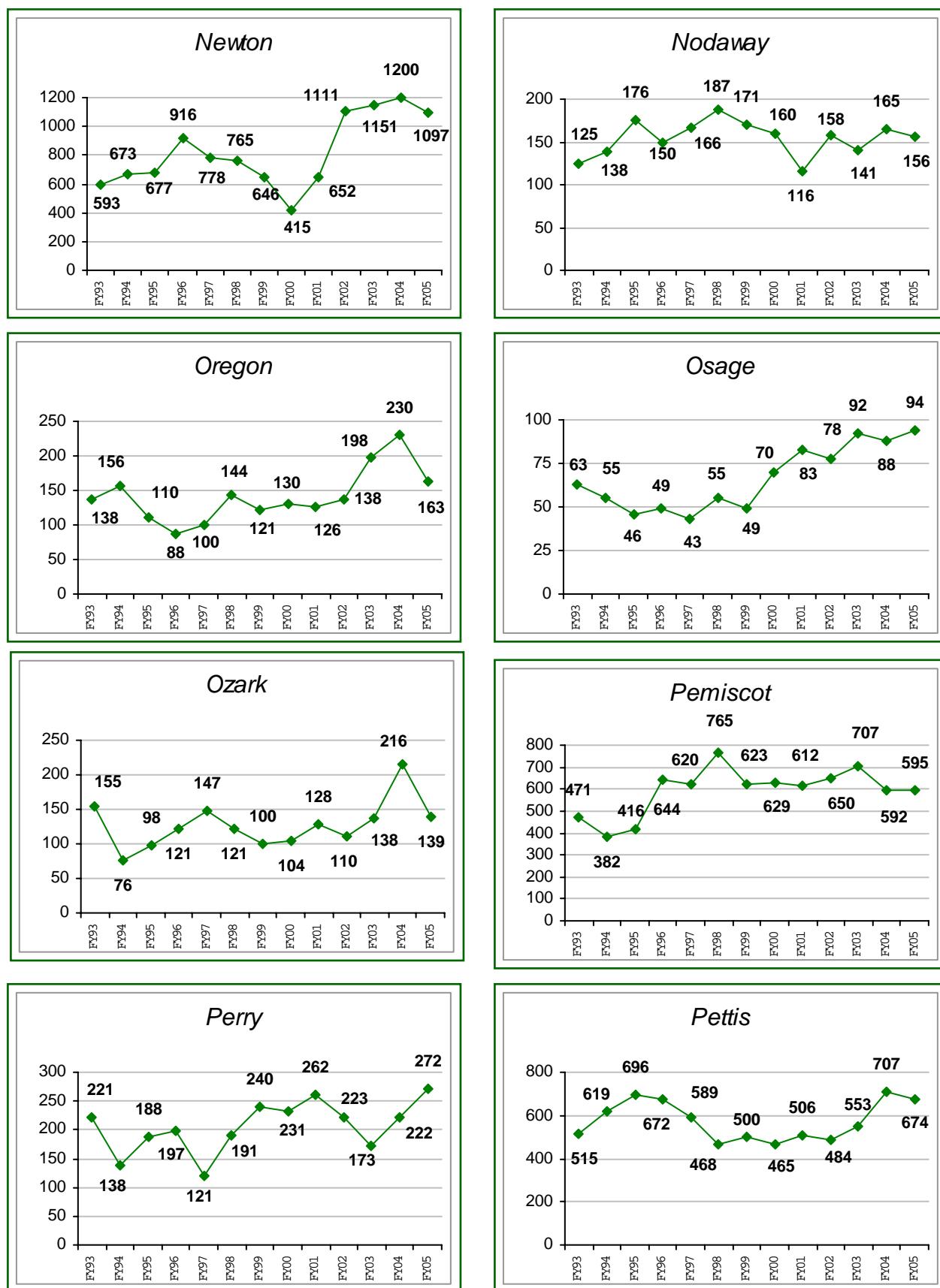
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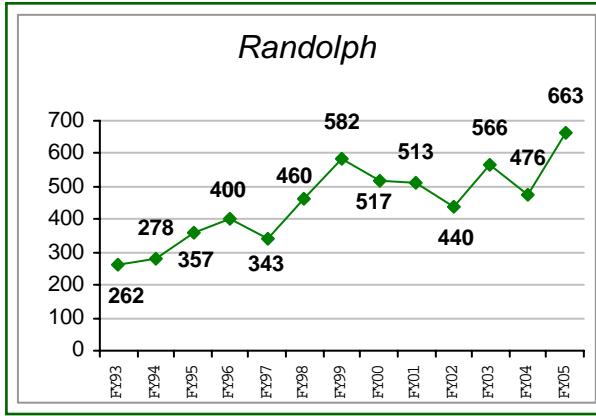
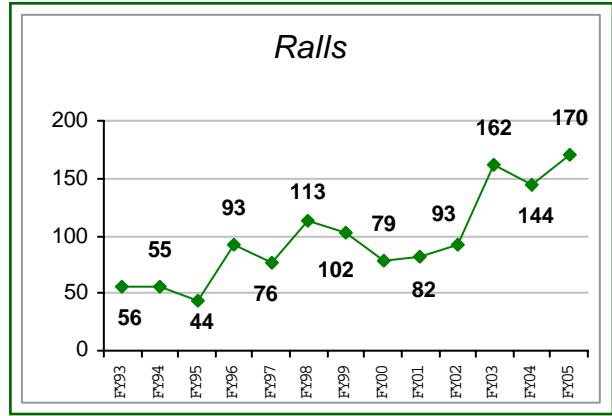
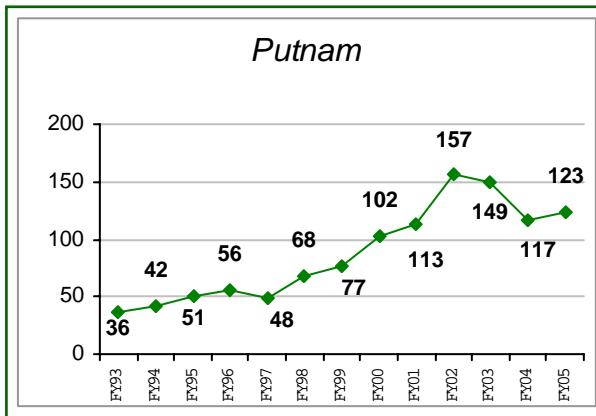
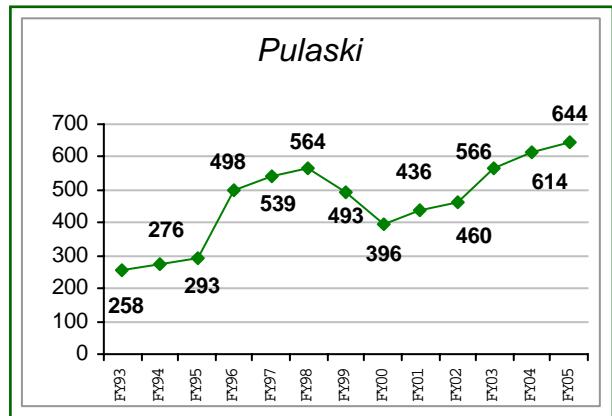
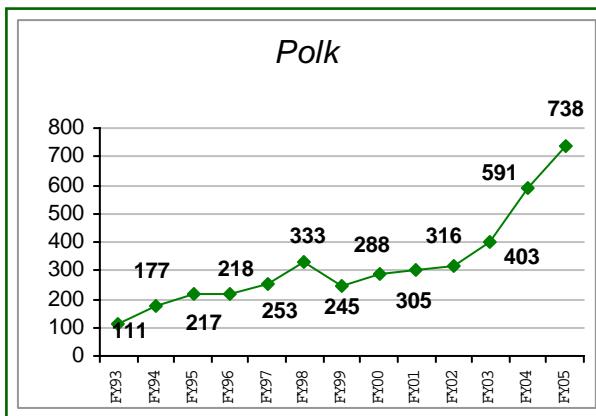
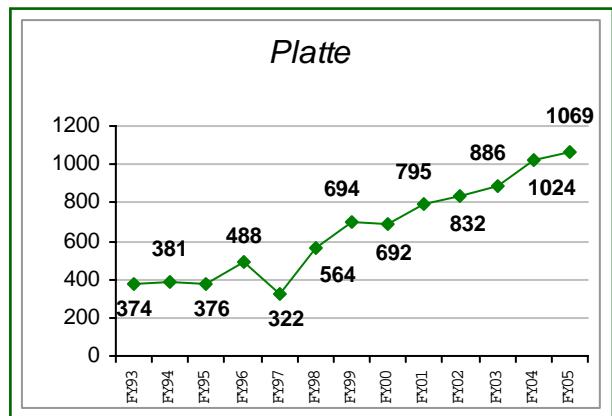
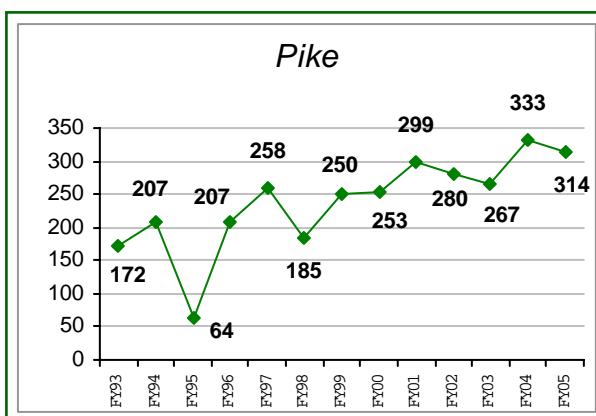
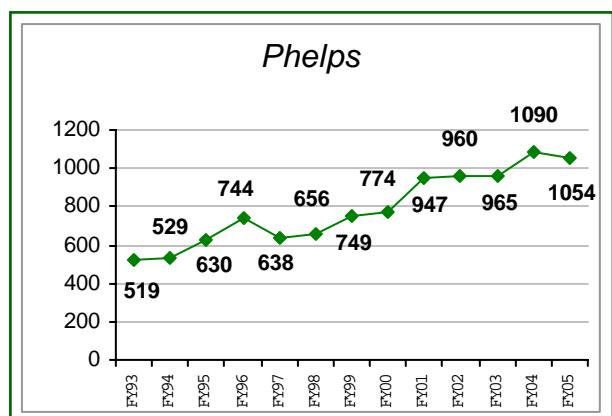
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



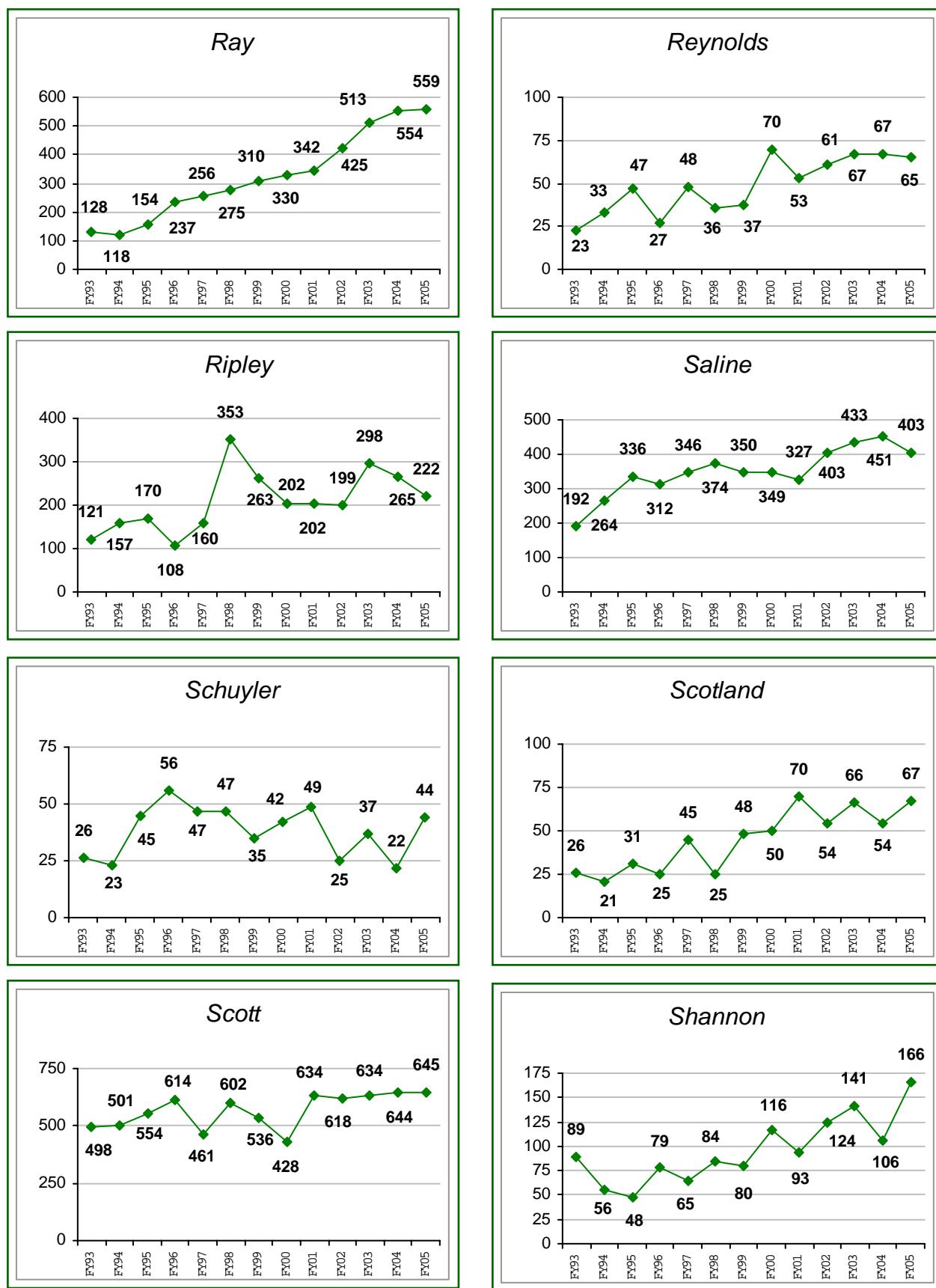
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



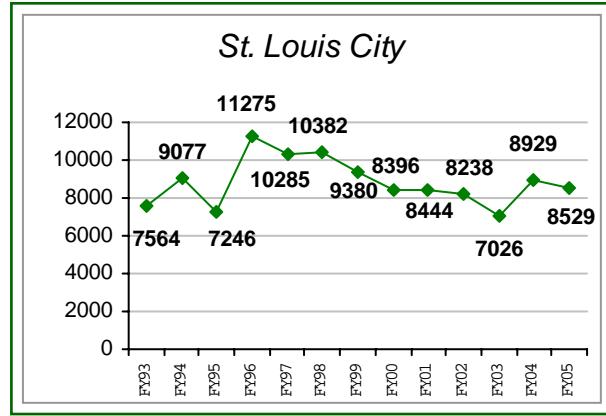
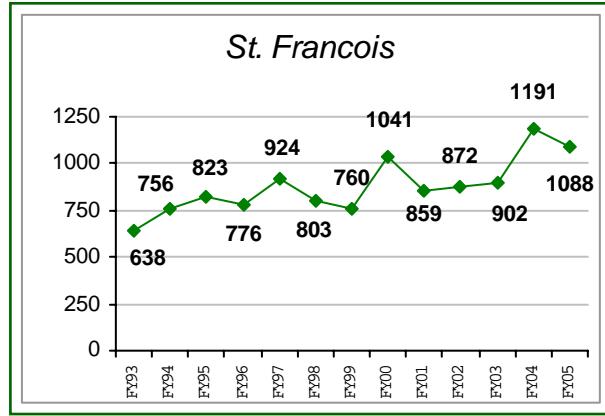
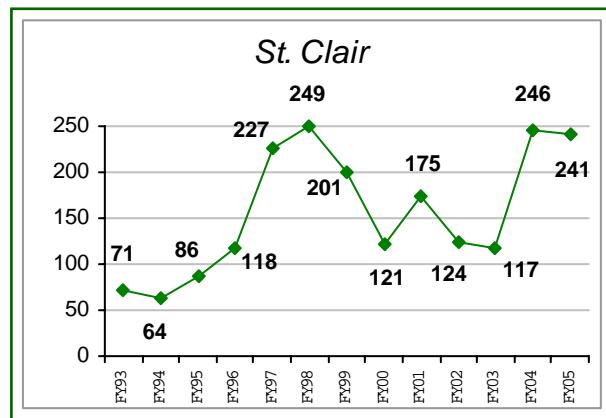
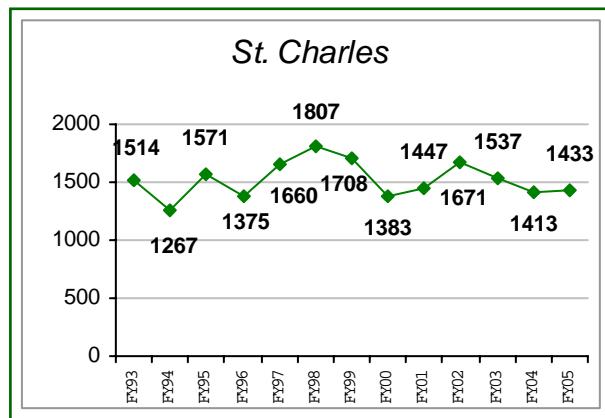
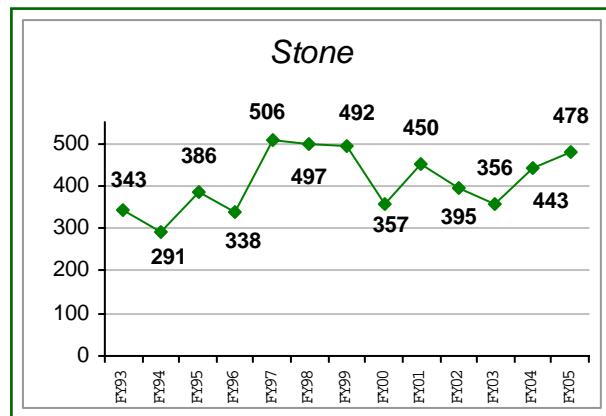
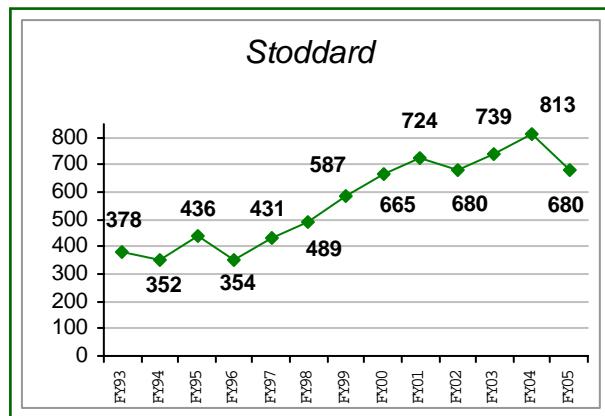
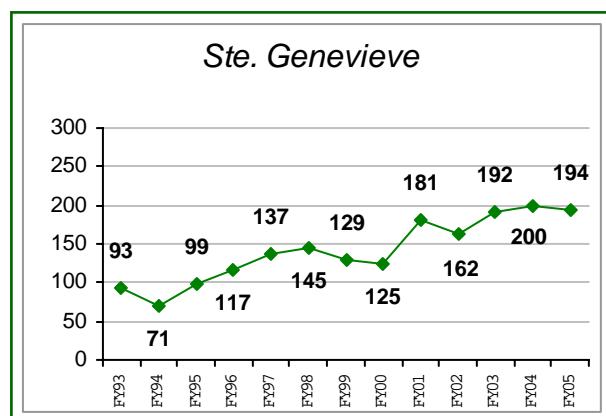
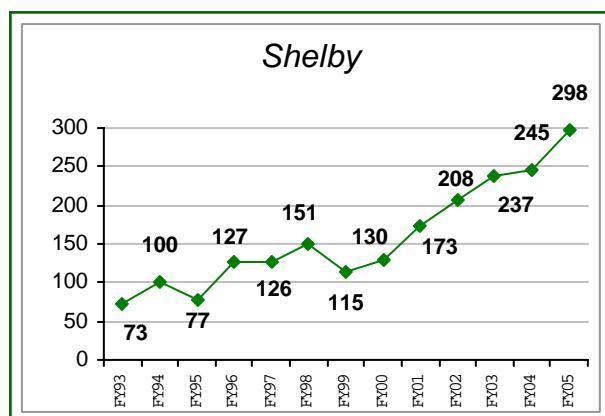
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



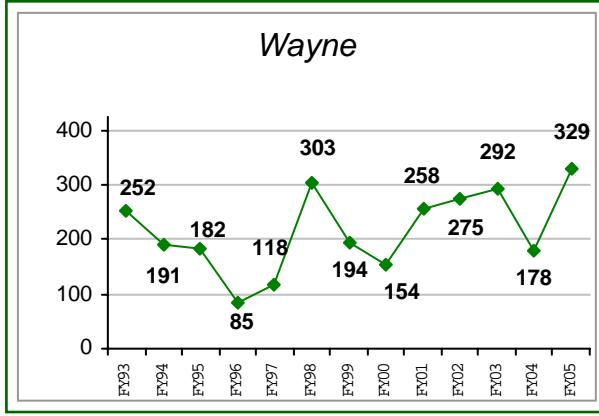
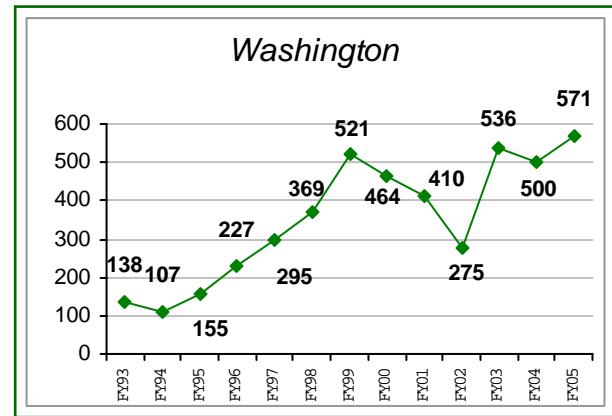
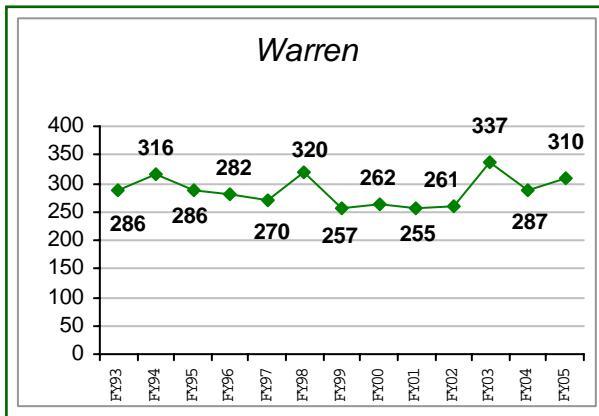
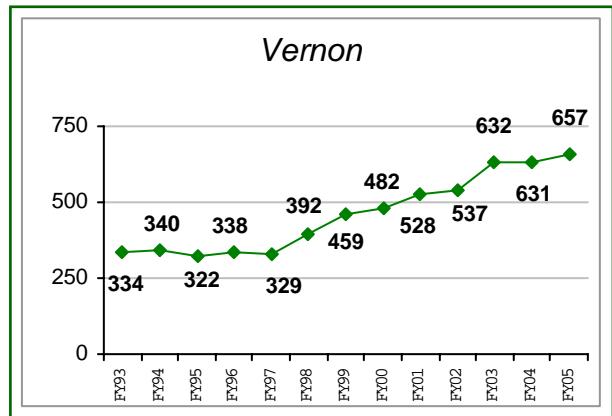
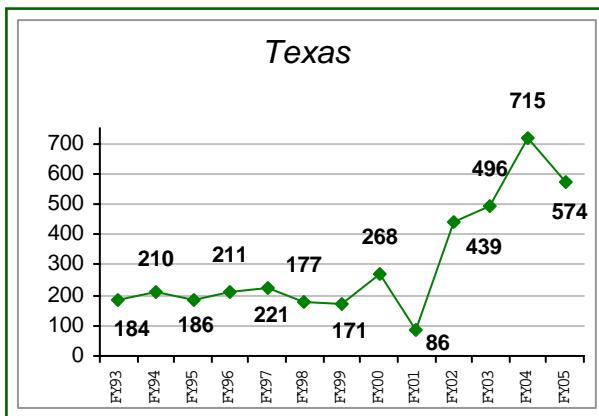
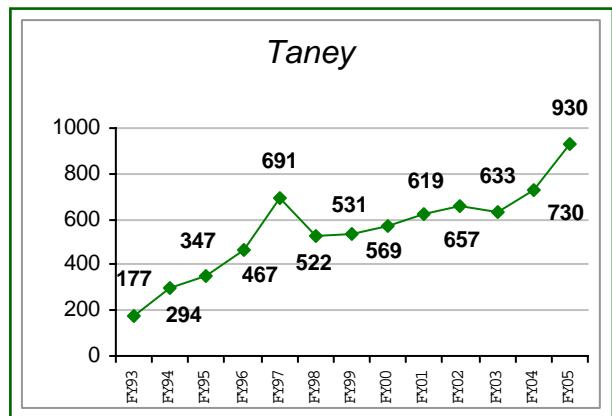
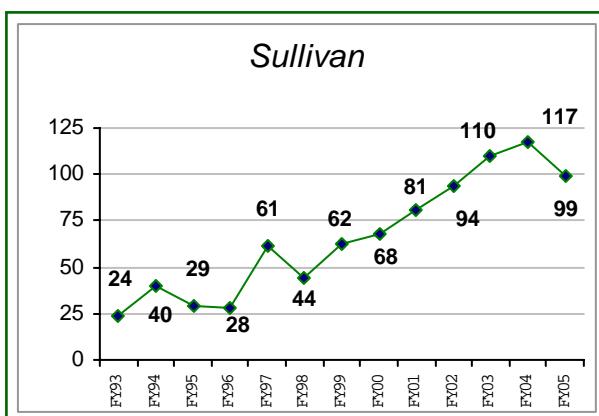
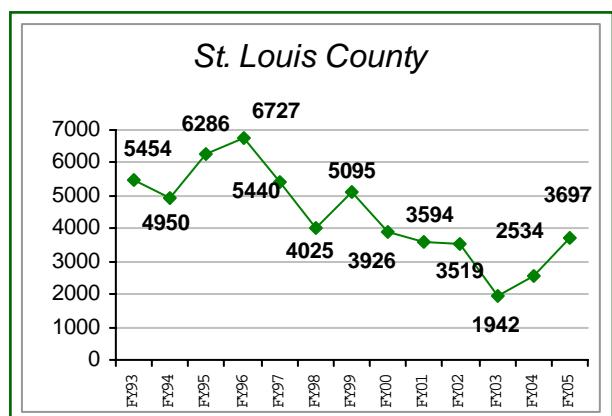
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



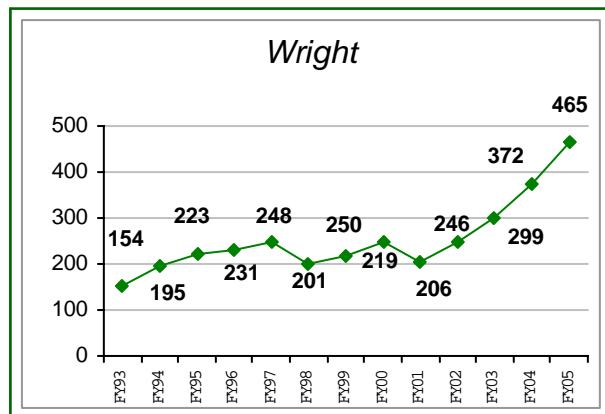
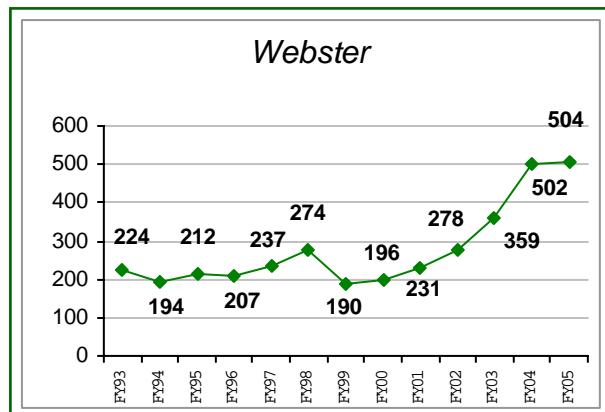
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



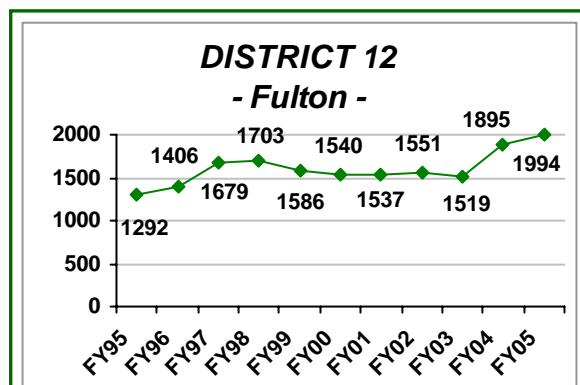
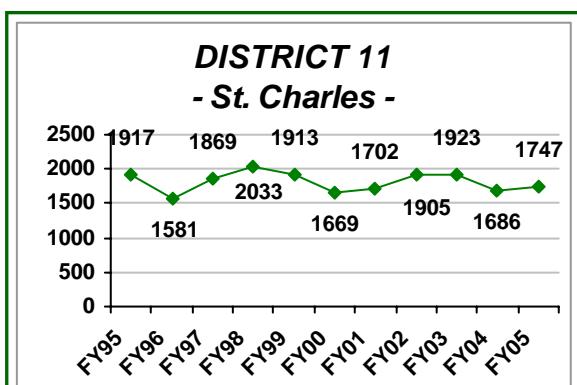
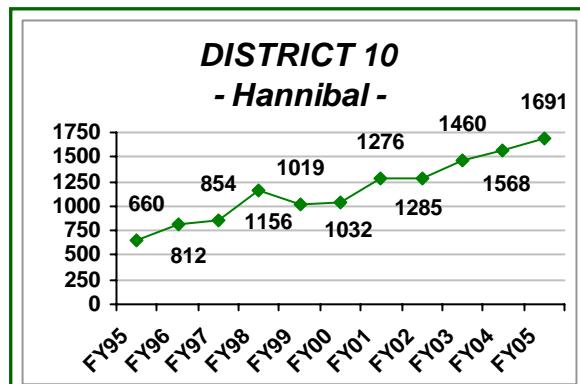
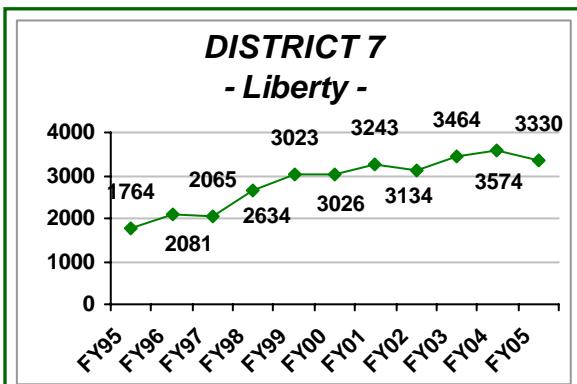
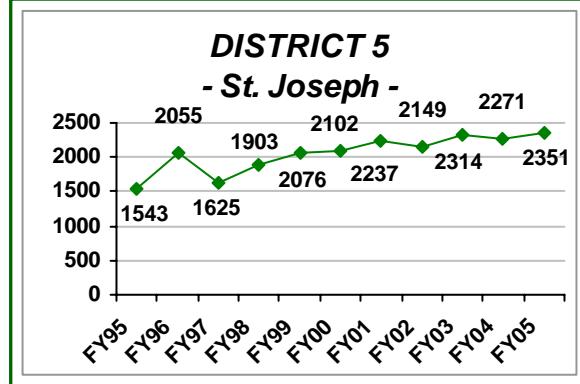
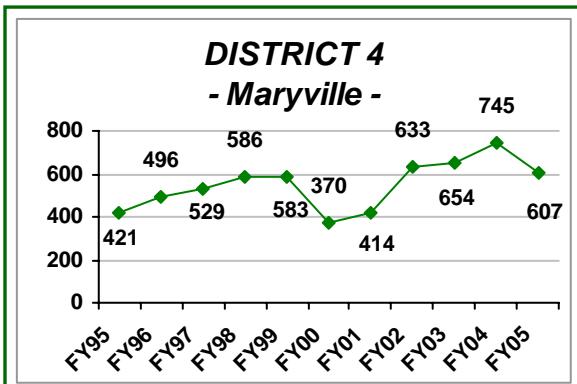
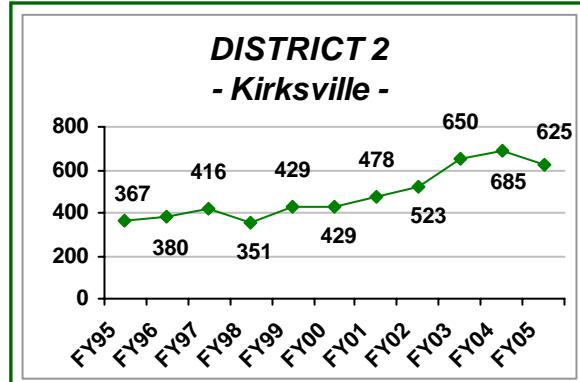
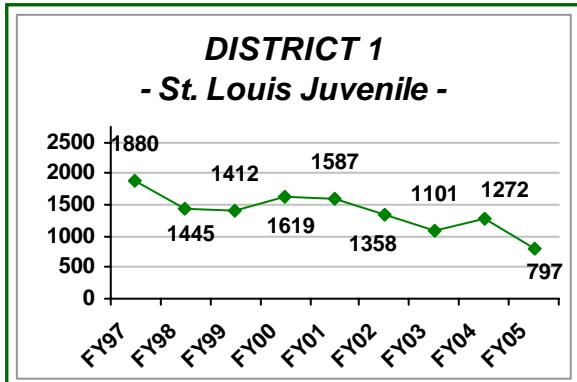
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



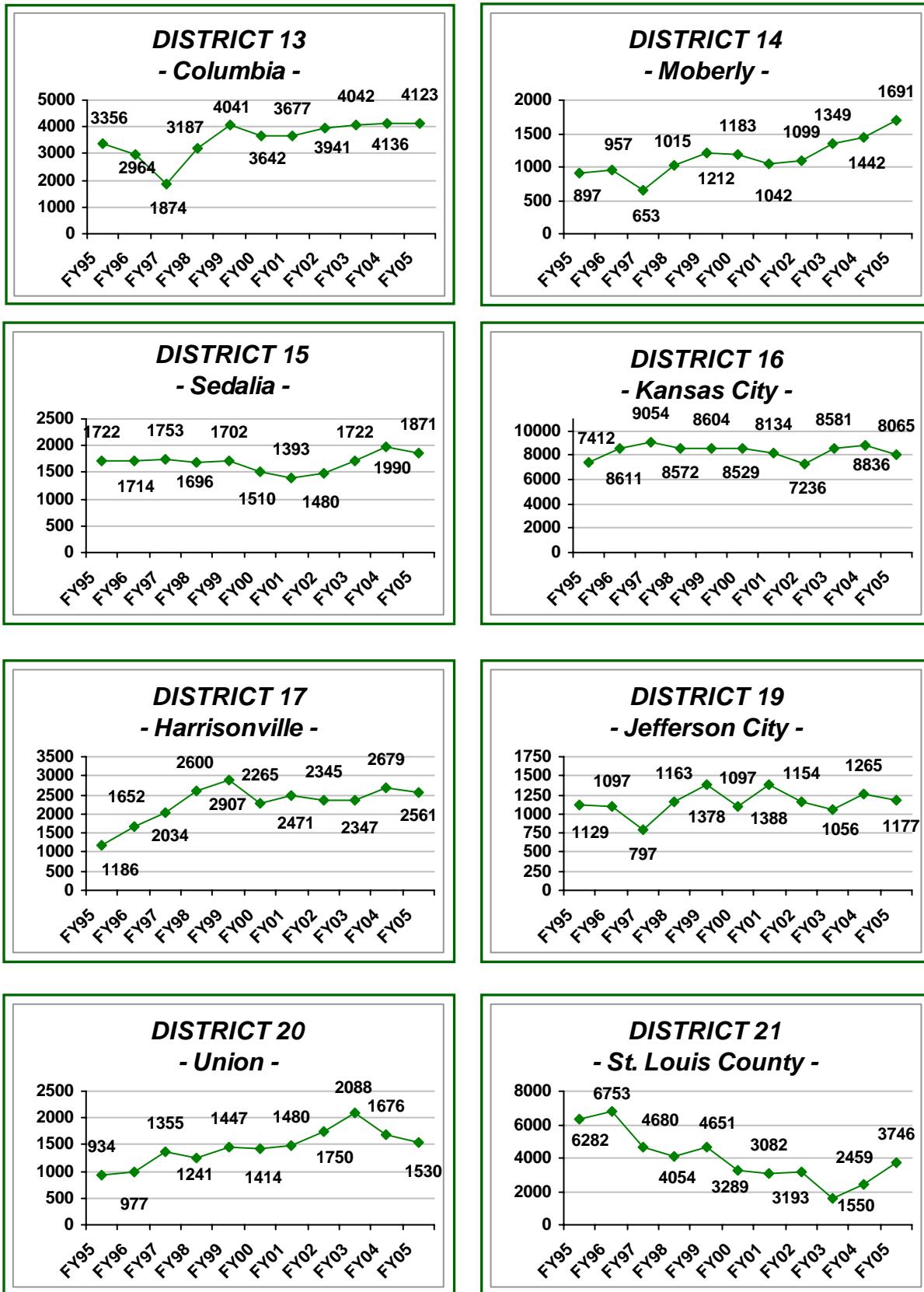
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



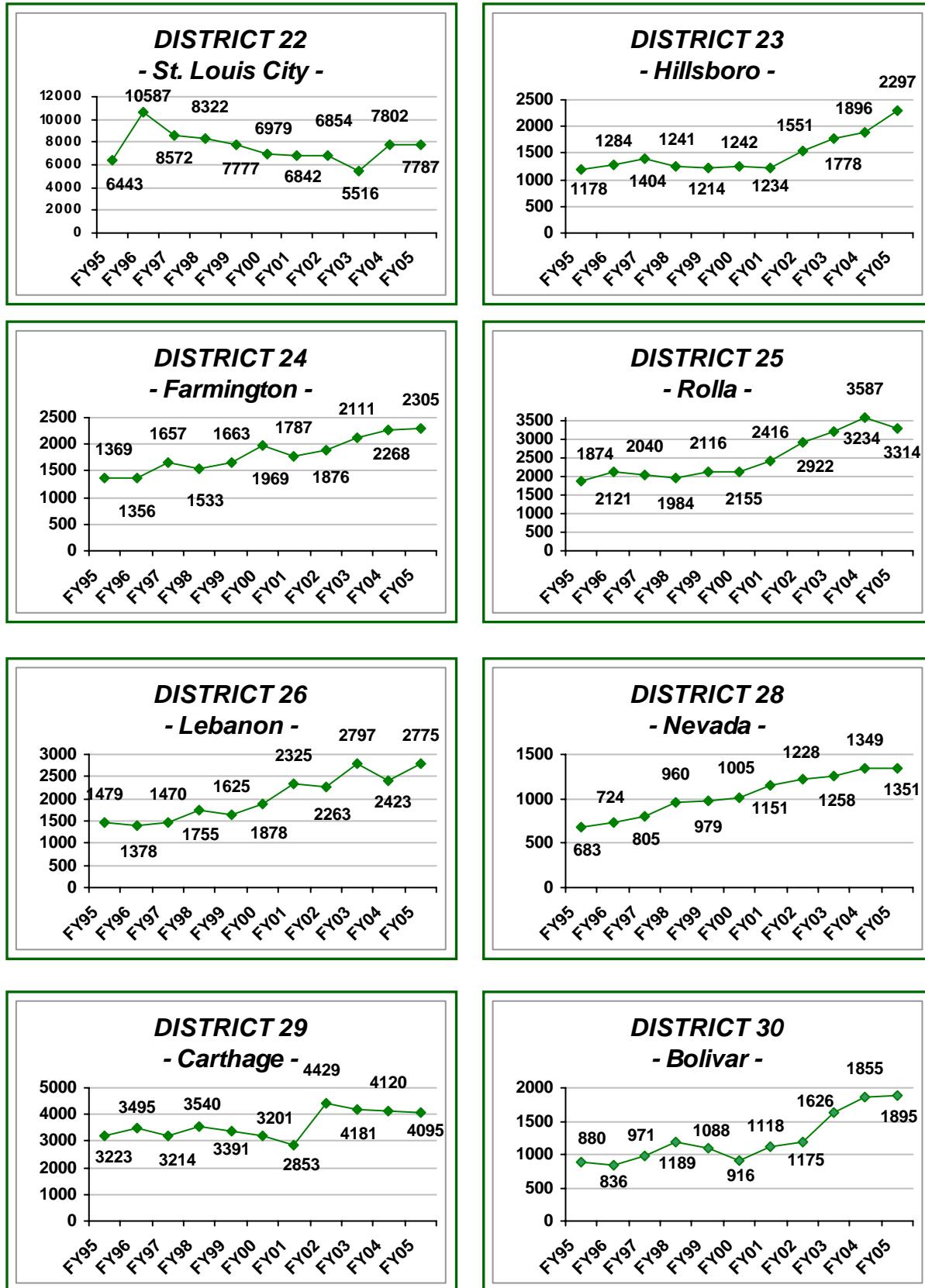
Disposed Caseload –By District FY1995 to FY2005



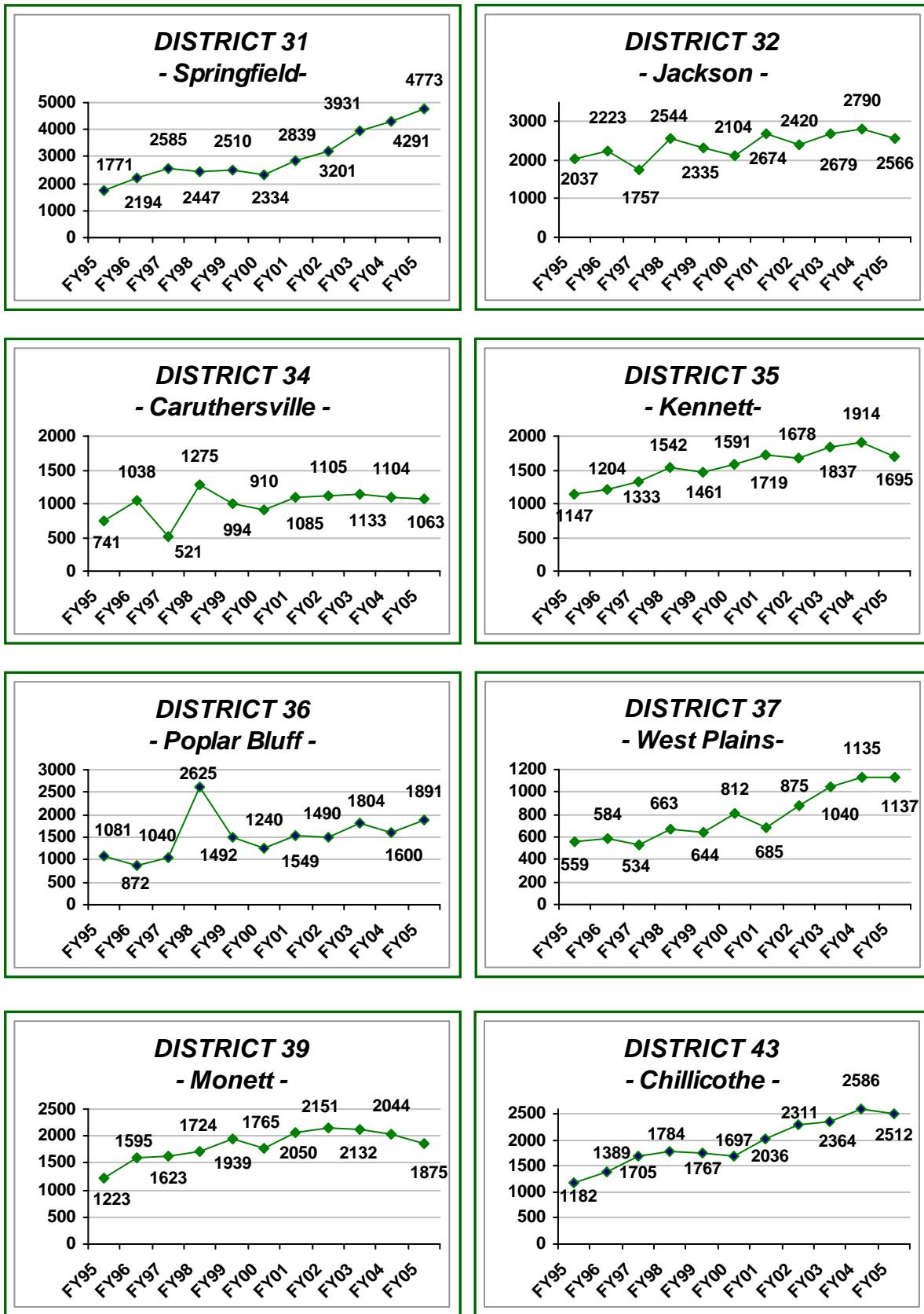
Disposed Caseload –By District FY1995 to FY2005



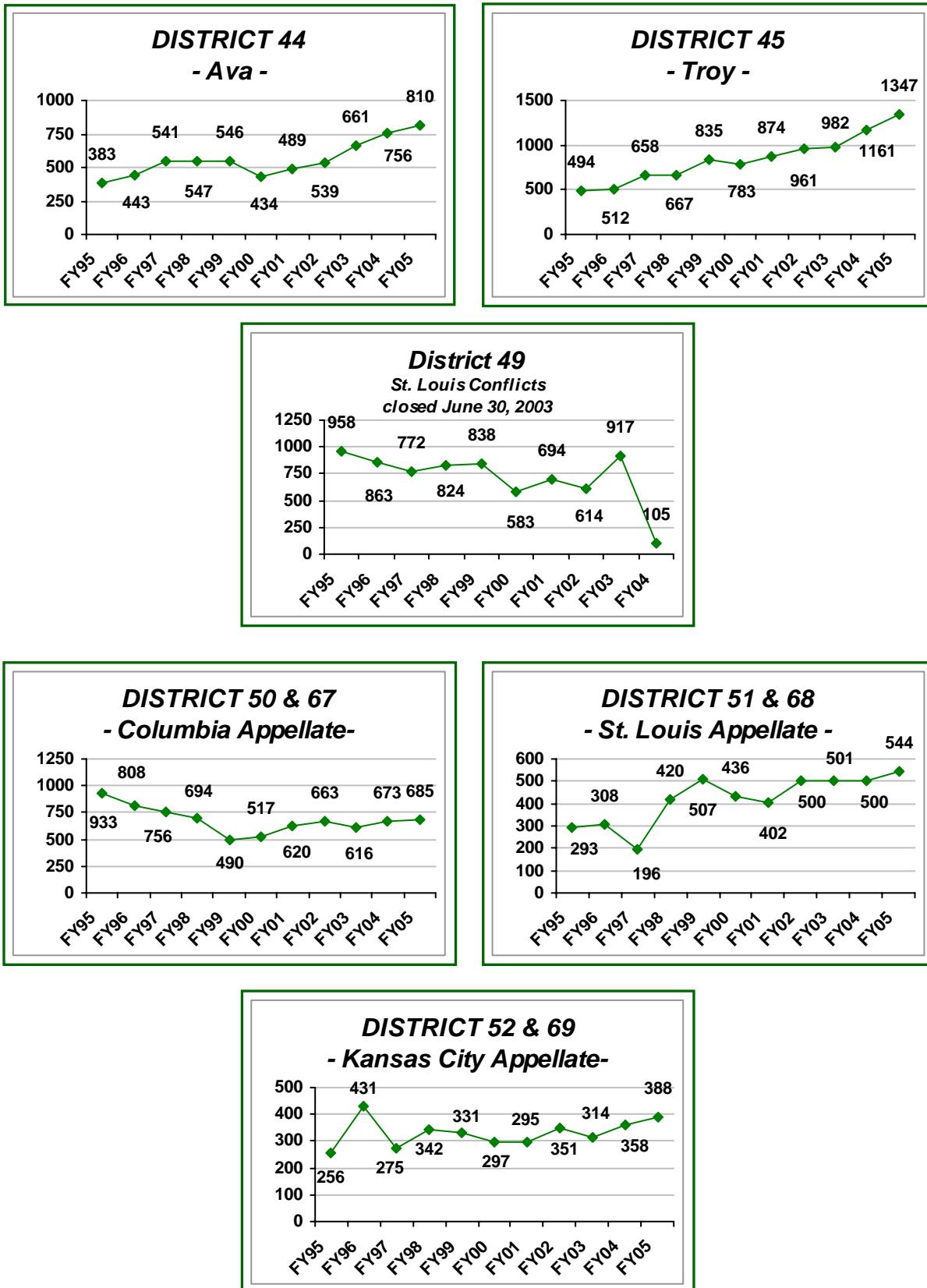
Disposed Caseload –By District FY1995 to FY2005



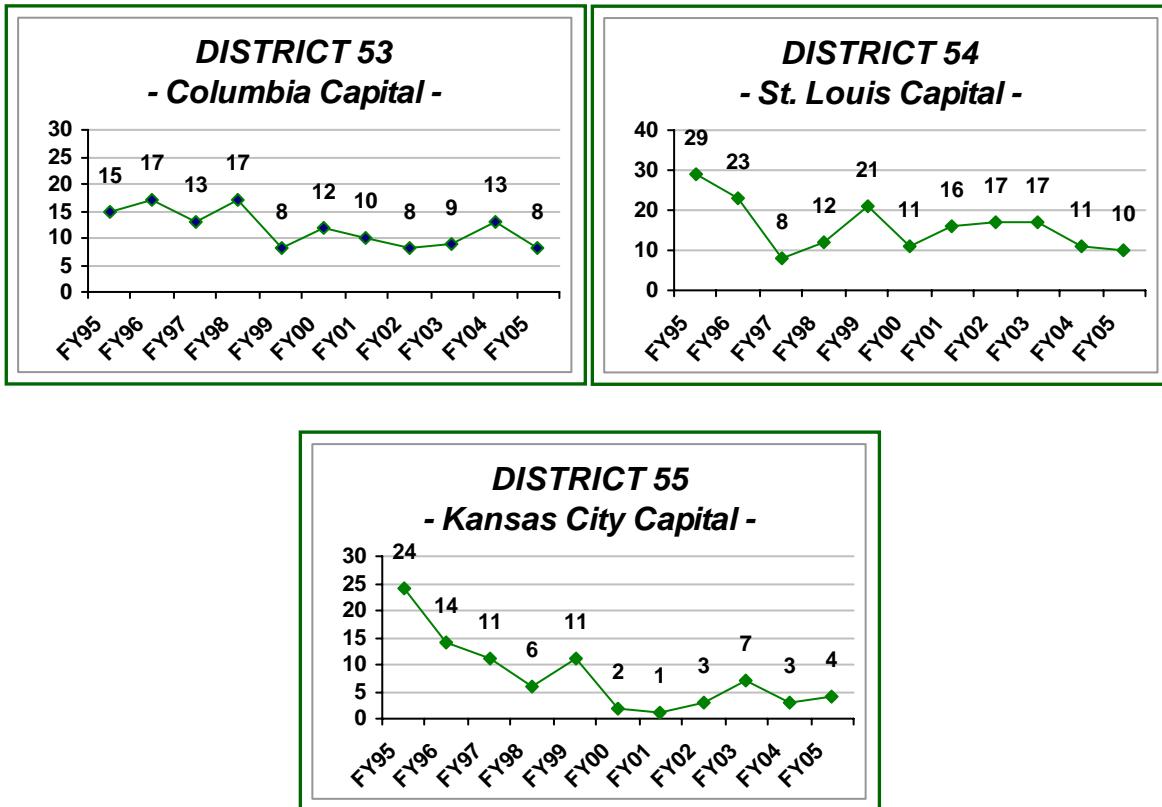
Disposed Caseload –By District FY1995 to FY2005



Disposed Caseload –By District FY1995 to FY2005



Disposed Caseload –By District FY1995 to FY2005



Cases Closed

Cost of Cases Closed

The direct cost, on average, of all cases disposed by to the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2005 was \$278. The Trial Division average was \$220. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

Fiscal Year 2005 - Trial Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY05 Cases Assigned	Cost Per Assignment	FY05 Cases Disposed	Cost Per Disposition
1	Juvenile	Sarah Lambright	\$289,095	897	\$322.29	797	\$362.73
2	Kirksville	Richard Scheibe	\$220,895	678	\$325.80	625	\$353.43
4	Maryville	Jeff Stephens	\$188,277	627	\$300.28	607	\$310.18
5	St. Joseph	Michelle Davidson	\$440,904	2,336	\$188.74	2,351	\$187.54
6	Kansas City Juvenile	Mary Bellm	\$279,315	1,434	\$194.78	1,400	\$199.51
7	Liberty	Anthony Cardarella	\$699,517	3,489	\$200.49	3,330	\$210.07
10	Hannibal	Raymond Legg	\$266,734	1,670	\$159.72	1,691	\$157.74
11	St. Charles	Christine Sullivan	\$407,845	1,670	\$244.22	1,747	\$233.45
12	Fulton	Justin Carver	\$319,426	1,964	\$162.64	1,994	\$160.19
13	Columbia	Kevin O'Brien	\$727,616	4,082	\$178.25	4,123	\$176.48
14	Moberly	Kirk Zwink	\$300,453	1,628	\$184.55	1,691	\$177.68
15	Sedalia	Kathleen Brown	\$422,910	1,934	\$218.67	1,871	\$226.03
16	Kansas City	Joel Elmer	\$2,018,150	8,520	\$236.87	8,065	\$250.24
17	Harrisonville	Jeffery Martin	\$540,697	2,655	\$203.65	2,561	\$211.13
19	Jefferson City	Jan King	\$265,466	1,120	\$237.02	1,177	\$225.54
20	Union	Lisa Preddy	\$365,121	1,534	\$238.02	1,530	\$238.64
21	St. Louis County	Nanci Ferrick	\$1,188,518	3,698	\$321.39	3,746	\$317.28
22	St. Louis City	Eric Affolter	\$1,689,048	7,649	\$220.82	7,787	\$216.91
23	Hillsboro	Tony Manansala	\$364,447	2,614	\$139.42	2,297	\$158.66
24	Farmington	Wayne Williams	\$585,247	2,163	\$270.57	2,305	\$253.90
25	Rolla	Jahnel Lewis	\$551,039	3,202	\$172.09	3,314	\$166.28
26	Lebanon	James Wilson	\$553,030	2,630	\$210.28	2,775	\$199.29
28	Nevada	Joe Zuzal	\$271,513	1,407	\$192.97	1,351	\$200.97
29	Joplin	Darren Wallace	\$1,022,376	4,372	\$233.85	4,095	\$249.66
30	Buffalo	Dewayne Perry	\$359,575	1,926	\$186.70	1,895	\$189.75
31	Springfield	Rodney Hackathorn	\$905,062	4,923	\$183.84	4,773	\$189.62
32	Jackson	Christopher Davis	\$660,362	2,562	\$257.75	2,566	\$257.35
34	Caruthersville	Amy Skrien	\$300,779	1,062	\$283.22	1,063	\$282.95
35	Kennett	Catherine Rice	\$319,585	1,694	\$188.66	1,695	\$188.55
36	Poplar Bluff	Lashon Rhodes	\$307,376	1,844	\$166.69	1,891	\$162.55
37	West Plains	Danna Anthony	\$239,731	1,071	\$223.84	1,137	\$210.85
39	Monett	Victor Head	\$629,029	2,058	\$305.65	1,875	\$335.48
43	Chillicothe	David Miller	\$560,992	2,519	\$222.70	2,512	\$223.32
44	Ava	Linda McKinney	\$202,325	817	\$247.64	810	\$249.78
45	Troy	Thomas Gabel	\$256,247	1,372	\$186.77	1,347	\$190.24

Fiscal Year 2005 - Commitment Defense Unit Costs Per Case

	Location	Current District Defender	Total Costs For District	FY05 Cases Assigned	Cost Per Assignment	FY05 Cases Disposed	Cost Per Disposition
71	Commitment Defense Unit	Ellen Blau	\$184,464	26	\$7,094.75	15	\$12,297.57

Fiscal Year 2005 - Appellate Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY05 Cases Assigned	Cost Per Assignment	FY05 Cases Disposed	Cost Per Disposition
50	Columbia Appellate	Ellen Flottman	\$748,077	287	\$2,606.54	299	\$2,501.93
51	St. Louis Appellate	Scott Thompson	\$528,493	295	\$1,791.50	288	\$1,835.04
52	Kansas City Appellate	Susan Hogan	\$393,282	160	\$2,458.02	197	\$1,996.36
67	Appellate/PCR Central A	Steve Harris	\$659,062	341	\$1,932.73	386	\$1,707.41
68	Appellate/PCR Eastern B	Renee Robinson	\$350,945	290	\$1,210.16	256	\$1,370.88
69	Appellate/PCR Western B	Ruth Sanders	\$213,902	169	\$1,265.69	191	\$1,119.91

Fiscal Year 2005 - Capital Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY05 Cases Assigned	Cost Per Assignment	FY05 Cases Disposed	Cost Per Disposition
53	Columbia Capital	Jan Zembles	\$754,171	6	\$125,695	8	\$94,271
54	St. Louis Capital	Robert Wolfrum	\$1,151,439	6	\$191,906	10	\$115,144
55	Kansas City Capital	Thomas Jacquinot	\$545,516	5	\$109,103	4	\$136,379

FIRST REGULAR SESSION
TRULY AGREED TO AND FINALLY PASSED

HOUSE BILL 1012
92ND GENERAL ASSEMBLY
FISCAL YEAR 2005

For the purpose of funding the State Public Defender System

Personal Service – 0911	\$22,984,589
Expense & Equipment - 0912	<u>\$3,237,191</u>
Subtotal – Full Flexibility is allowed between these two appropriations	\$26,221,780
For payment of expenses as provided by Chapter 600, RSMo. associated with the defense of violent crimes and/or the defense of cases where a conflict of interest exists - 8727	<u>\$2,241,502</u>
From General Revenue Fund - 0101	\$28,463,282
For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo.	
Personal Service – 0951	\$60,778
Expense and Equipment - 7673	<u>\$1,157,356</u>
From Legal Defense and Defender Fund 0670	\$1,218,134
For refunds set-off against debts as required by Section 143.786, RSMo.	
From Debt Offset Escrow Fund 0753 – App. #3023	\$350,000E
For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender	
From Federal Fund 0112 – App. # 4006	<u>\$125,000</u>
Total (Not to exceed 560.13 F.T.E.)	\$30,156,416

Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial.

Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocations hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's Public Defenders and support staff.

FY2005 Trial Division Closed Cases by Disposition Type

	Description	# of Cases
01	Withdrawn	7,123
02	Dismissed/Withdrawn	12,030
03	NGRI	17
04	Guilty Plea	40,574
05	Court Trial	409
06	Jury Trial	377
10	Juvenile Hearing	1,363
11	Certification Hearing	68
12	Juvenile Informal Hearing	251
15	PCR No Hearing	0
16	PCR Hearings	2
20	Chapter 552	29
25	Probation Violation Hearing	17,343
30	Granted and Denied Writs	3
32	Writ - Preliminary Writ Denied	2
35	Appeal Decision	8
41	Conflict Transfer	2,739
42	Conflict Assignment	634
50	Capias Warrant > than 1 year	1,114
00	Unknown	715
	Total Trial Division Closed Cases	84,801

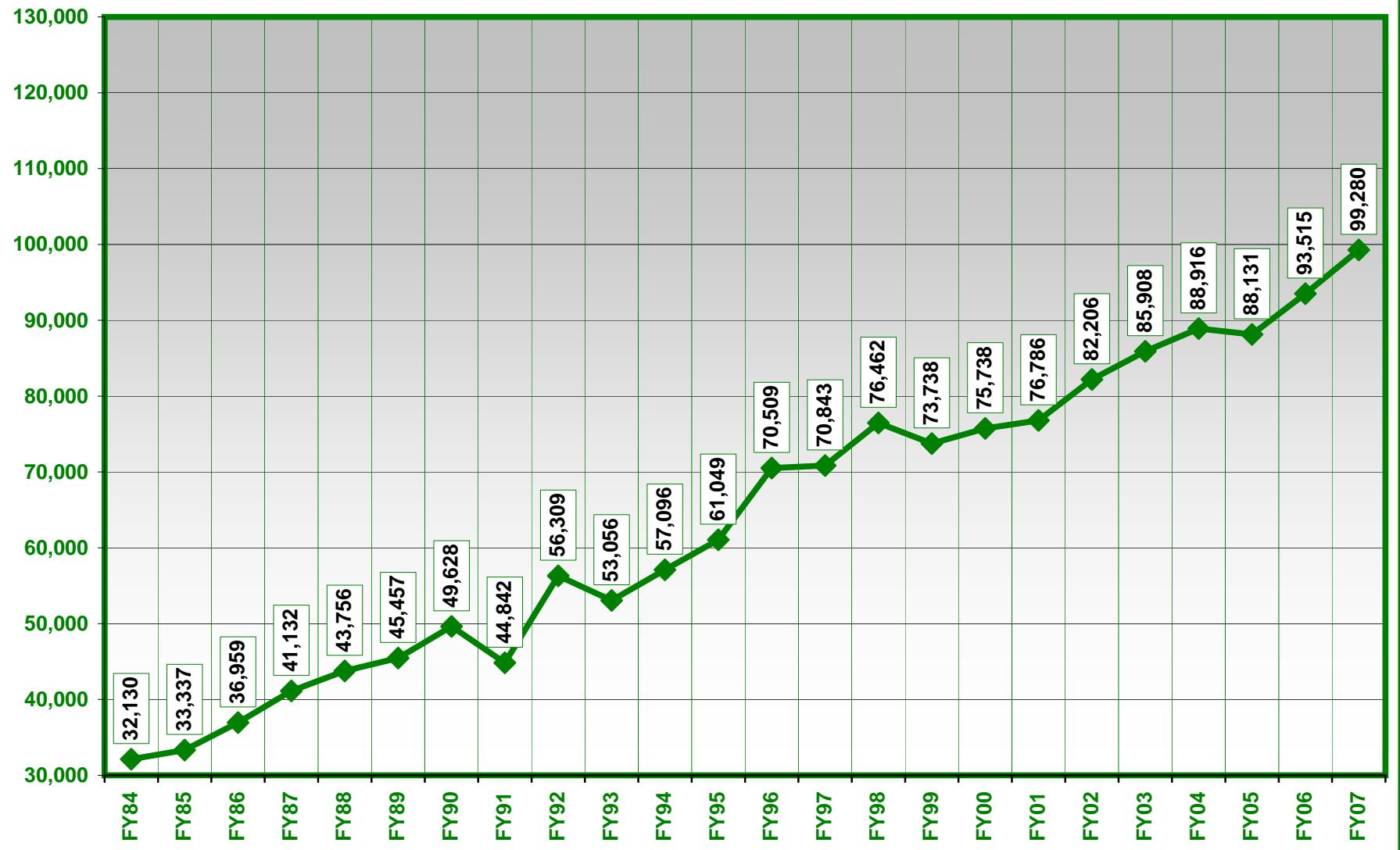
July-05

Missouri State Public Defender System

Cases Assigned by Case Type

	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed	Closed to Open Ratio
FY07 PROJECTION	159	142	36,077	36,378	32,716	4,012	1,059	112	24,266	737	99,280	96,320	0.9702
FY06 PROJECTION	158	133	34,652	34,943	30,765	3,946	996	116	22,037	712	93,515	91,636	0.9799
FY05 ACTUAL	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180	0.9892
FY04 ACTUAL	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356	0.9712
FY03 ACTUAL	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

Public Defender Caseload Analysis



Commitment Defense Representation

The Missouri State Public Defender Commitment Defense Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's Sexually Violent Predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The Commitment Defense cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceedings to be civil rather than criminal.

FY 2005 Commitment Defense Unit Caseload Statistics

	# of Cases
Opened in FY 2005	26
Initial Trial (or re-trial following successful appeal)	21
Subsequent Release Efforts after at least one year of commitment	5
Closed in FY 2005	15
Jury Trials	9
Release Petition Hearing	2
Bench Trials	4

*Closed Cases are only temporary. Anyone committed has a right to a hearing and possibly a trial every year.

Alternative Sentencing Program

The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. The Alternative Sentencing assisted in 267 cases where probation was granted.

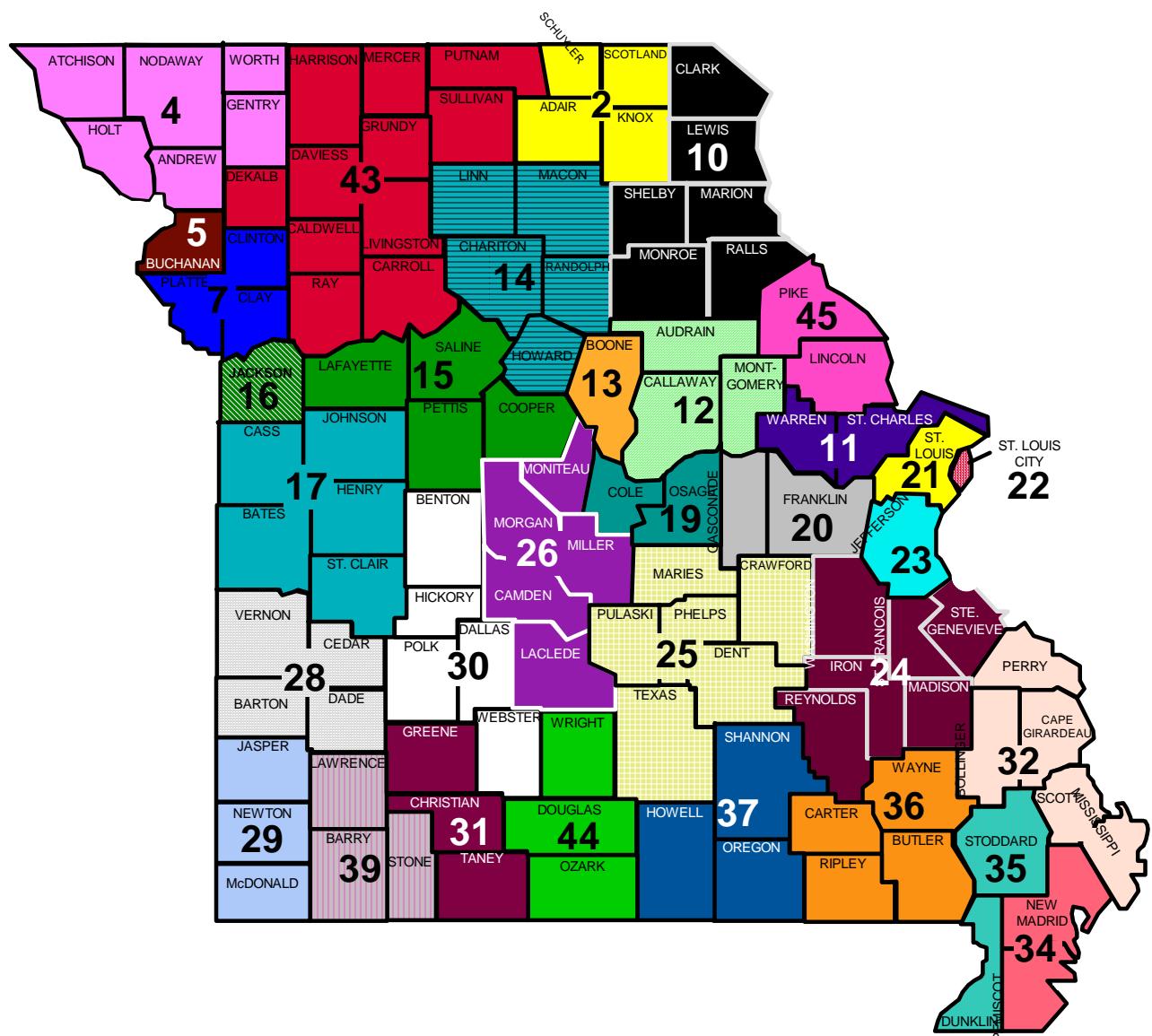
FY2005 ALTERNATIVE SENTENCING Caseload Statistics

Case Type	# of Cases
A— Felony	130
B—Felony	175
C—Felony	337
D—Felony	111
Misdemeanor	56
Unclassified	21
Total FY2005 Alternative Sentencing Caseload	830

FY2005 ALTERNATIVE SENTENCING Plans and Referrals

Description	# of Cases
Alternative Sentencing Plans/ Mitigation Reports	399
Referrals – Treatment Placements	431
Probation Granted	267
Total FY2005 Alternative Sentencing Caseload	1,097

Missouri State Public Defender Trial Division District Map



Fiscal Year 2007

Legislative Budget Request

Caseload Increase—Trial Division

An analysis of the projected FY2007 caseload for the State Public Defender System shows an increase to a total of 99,280 total cases to be assigned. Of the 99,280 it is estimated that 96,741 will be trial division cases.

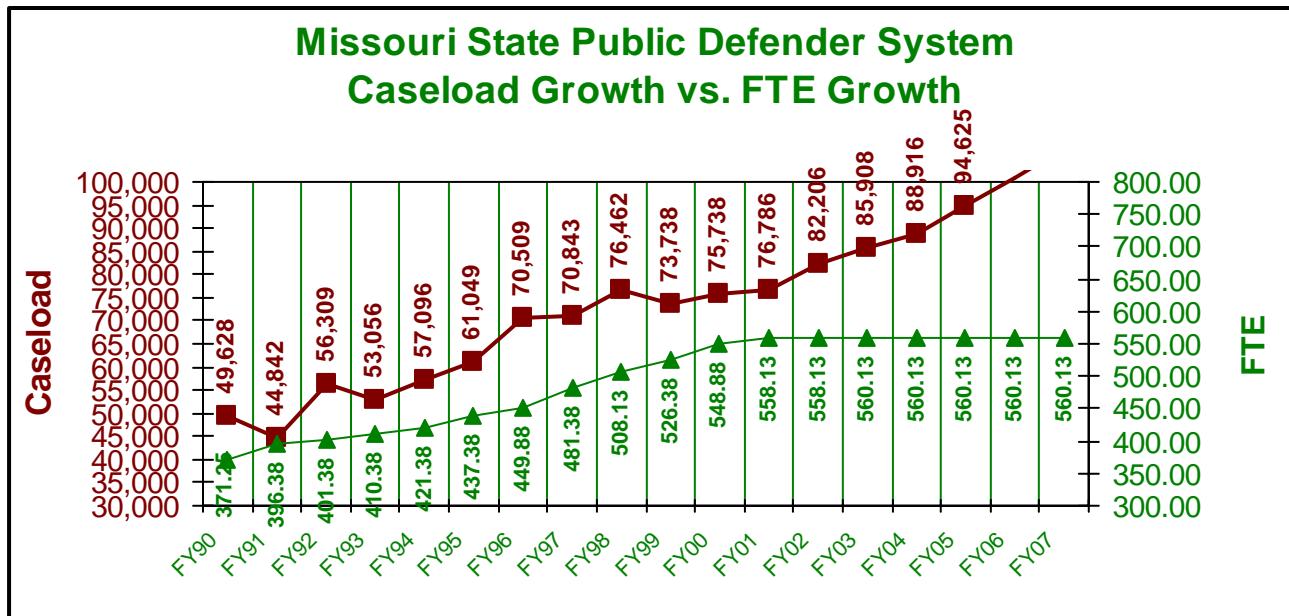
In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

In the 1990 State of Missouri Executive Budget, the Ashcroft Standard was settled upon as the appropriate caseload for assistant public defenders in the trial division. Assistant public defenders in the trial division can provide effective representation in 235 cases each fiscal year. Governor Ashcroft and the Legislature provided a total of 211.50 public defenders to handle the 49,697 trial division cases projected for fiscal year 1990.

Since 1990, the caseload of the trial division of the public defender system has grown rapidly due to a number of reasons: legislation enacting new crimes and increased penalties on existing crimes, aggressive prosecution, drug cases, etc.

The projected caseload for the trial division for Fiscal Year 2007 is 96,741 new cases being assigned. Using the Ashcroft Standard developed in 1990, the required number of attorneys to effectively provide representation is 411.75. The trial division currently has 288 attorney FTE allocated.

Therefore, this decision item requests the 123.75 additional attorneys to staff the trial division at the caseload standard agreed upon in 1990.



FY2007 Increased Caseload Trial Division - Decision Item		
Projected FY07 Cases		
Murder/Death		0
Murder1/LWOP		260
A/B Felonies		7,831
C/D Felonies		27,734
Misdemeanor		32,618
Juvenile		3,996
Probation Violations		24,302
Total FY2007 Caseload		96,741
One Attorney for Every 235 Trial Division Cases		
Attorneys Required		411.66
Current Trial Division Attorneys		288.00
New Attorneys		123.75

The projected caseload for the trial division for Fiscal Year 2007 is 96,741 new cases being assigned. Using the Ashcroft Standard developed in 1990, the required number of attorneys to effectively provide representation is 411.75. The trial division currently has 288 attorney FTE allocated.

The Total Cost of this decision item is \$ 9,242,811.

Caseload Increase—Appellate Division

An analysis of the projected FY2007 caseload for the State Public Defender System shows an increase to a total of 99,280 total cases to be assigned. Of the 99,280 it is estimated that 1,699 will be appellate division cases.

In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

The Ashcroft Plan also provided that an assistant public defender in the appellate division could provide representation in 40 appellate cases each fiscal year.

Since 1990, the caseload of the appellate division of the public defender system has grown rapidly, faster than new FTE has been appropriated.

The projected caseload for the appellate trial division for Fiscal Year 2007 is 1,699 new cases. Using the Ashcroft Standard developed in 1990, the required number of attorneys to effectively provide representation is 42.50. The appellate division currently has 28.50 attorney FTE allocated.

This decision item is requests 14 additional attorneys to fully staff the Appellate Division to the Ashcroft Standard.

FY2007 Increased Caseload Appellate Division - Decision Item		
Type of Case	FY07 Projection	
Death Penalty PCR	8	
Direct Appeals	385	
PCR Trials	946	
PCR Appeals	360	
Total FY2007 Caseload	1,699	
One Attorney for Every 40 Appellate Cases		
Attorneys Required		42.48
Current Appellate Division Attorneys		28.50
New Attorneys		13.98

The projected Appellate Division Caseload for Fiscal Year 2007 is 1,699 cases. Under the Ashcroft Standard of 40 cases per attorney per year, the Appellate Division needs 42.50 attorneys to meet caseload demands.

As of August 22, 2005, 28.5 attorney FTE are assigned to the Appellate Division. This decision item requests 14.00 attorneys and the necessary support staff to bring the Appellate Division in compliance with the Ashcroft Standard. The total cost of this decision item is \$1,051,854.

Recruitment and Retention—Assistant Public Defenders I, II and III

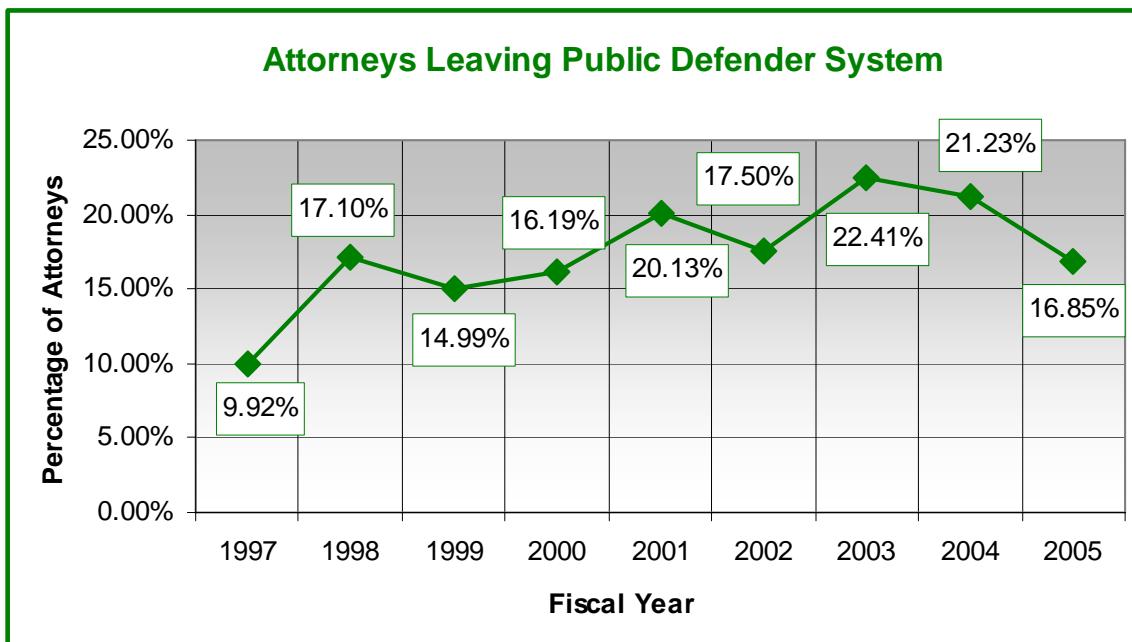
The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system. It is a problem of crisis proportion.

Historically, high attorney turnover has plagued the State Public Defender System. In 1994, 60% of attorneys employed left the System within three years. In response to this problem, the legislature appropriated additional funding of \$1.2 million in Fiscal Years 1994 and 1995, specifically to improve attorney salaries and tenure.

The increased funding of the mid-90s temporarily improved attorney retention. However, today's attorney turnover rate is terrible. The current attorney turnover rate is 16.85%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector.

Exit and employment interviews repeatedly reveal low pay as the reason candidates do not choose to be employed, or remain employed, by the State Public Defender. The last targeted increase in attorney salaries was ten years ago. The General pay plan increases since FY96 have simply not kept pace with reasonably expected salaries for law school graduates and lawyers with 1-5 years experience.

The inability to recruit and retain attorneys is causing a crisis in the administration of Missouri's criminal justice system. This has been particularly evident the past three years.



These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY05 cumulative backlog of more than 22,896 cases is directly attributed to a shortage of experienced attorneys to handle them.

This trend is continuing. This decision item will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

<i>Fiscal Year</i>	<i>Assigned</i>	<i>Disposed</i>	<i>Net Difference</i>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
2005	88,131	87,180	951
	497,685	474,789	22,896

Our FY07 decision item of \$1,448,424 will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

Assistant Public Defender I, II, III						
To Market	Job Title	# of FTE	FY06 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
24 Q	Assistant Public Defender I	39.00	\$33,792	\$40,848	\$7,056	\$275,184
26R	Assistant Public Defender II	106.00	\$37,128	\$44,508	\$7,380	\$782,280
28 R	Assistant Public Defender III	60.00	\$41,784	\$48,300	\$6,516	\$390,960
		205.00				\$1,448,424

Retention—Assistant Public Defenders IV Salary Increase

The most experienced assistant public defenders, APD IVs, handle more and the most serious and complex cases. While not as great as the turnover in the middle and entry level assistant public defenders, the turnover rate is still unacceptable.

In FY05, 10.95% of all assistant public defender IVs left the Department. Just as these lawyers attain the experience and training the State Public Defender has to offer, they move on to private practice. Because these experienced, well-trained attorneys handle more and more serious cases, it is more efficient and cost effective to retain them.

While 100 percent retention is unlikely, moving these attorneys closer to “market” on Range 35 of the State’s UCP pay chart will reduce the unacceptable 11% loss rate.

This adjustment will also recognize the vital role Missouri’s APD IVs play in Missouri’s criminal justice system. Although they average over seven years of criminal law experience and handle nearly all Missouri’s most difficult and complex cases, current APD IV salaries do not even match the average entry level salary of new Missouri lawyers in the private sector.

The total cost of this decision item is \$689,727.

Assistant Public Defender IV Recruitment and Retention

To Market	Job Title	# of FTE	FY05 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
35 R	Assistant Public Defender IV	91.50	\$57,298	\$64,836	\$7,538	\$689,727

District Defender's Salaries Comparable to Full-time Prosecuting Attorneys

Pursuant to RSMo. 600.021.2, Public Defenders "*shall not otherwise engage in the practice of law*". Neither Chapter 600 nor Public Defender Commission rule allows public defenders to maintain a private law practice.

In contrast, prosecuting attorneys are allowed a private, civil practice, pursuant to RSMo. 56.360. A private law practice is not allowed for full-time prosecutors, such as when the position is made full-time pursuant to RSMo. 56.363.

A full-time prosecutor is responsible for the prosecution and overall supervision of the prosecutor's office staff in their respective county. The full-time prosecutor's equivalent, the District Defender, is responsible for indigent defense services, and overall supervision of the office staff for the district; usually a multi-county jurisdiction.

Prosecuting attorneys are compensated in accordance with RSMo. 56.265. Pursuant to RSMo. 56.265.1(1), a full-time prosecutor "*shall receive compensation equal to the compensation of an associate circuit judge*". Each 1st class county has a full-time prosecutor. More and more third and fourth class counties are electing to have full-time prosecutors.

The compensation of persons appointed District Defenders is fixed by the State Public Defender Commission, in accordance with RSMo. 600.021.3. However, the Commission has not been funded to bring District Defender salaries in line with their full-time prosecution counterparts.

This decision item will fund District Defender salaries, making them equal to that of a full-time prosecutor.

Assistant District Defender & District Defender Recruitment and Retention

Job Title	# of FTE	FY05 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
Assistant District Defender	5.00	\$60,285	\$80,000	\$19,715	\$98,575
District Defender	44.00	\$62,909	\$96,000	\$33,091	\$1,456,004
	49.00				\$1,554,579

Caseload Increase—Trial Division—Legal Assistant Alternative

An analysis of the projected FY2007 caseload for the State Public Defender System shows an increase to a total of 99,280 total cases to be assigned. Of the 99,280 it is estimated that 96,741 will be trial division cases.

In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

In the 1990 State of Missouri Executive Budget, the Ashcroft Standard was settled upon as the appropriate caseload for assistant public defenders in the trial division. Assistant public defenders in the trial division can provide effective representation in 235 cases each fiscal year. Governor Ashcroft and the Legislature provided a total of 211.50 public defenders to handle the 49,697 trial division cases projected for fiscal year 1990.

Since 1990, the caseload of the trial division of the public defender system has grown rapidly due to a number of reasons: legislation enacting new crimes and increased penalties on existing crimes, aggressive prosecution, drug cases, etc.

The projected caseload for the trial division for Fiscal Year 2007 is 96,741 new cases being assigned. Using the Ashcroft Standard developed in 1990, the required number of attorneys to effectively provide representation is 411.75. The trial division currently has 288 attorney FTE allocated.

There is a decision item pending to fund the required 123.75 attorneys necessary to provide effective representation. This decision item would provide an alternative to hiring some of the 123.75 attorneys.

Many cases are administrative matters that can be worked up and partially handled by supervised legal assistants and paralegals. This would not eliminate the need for attorneys, but the number of attorneys could be reduced by some percentage. Examples of these cases include traffic, criminal non-support, passing bad checks and failure to return rental property.

In Fiscal Year 2005 the Trial Division provided representation in 20,626 of these types of cases. Listed on the following page is a partial breakdown.

Cases Prepared by Legal Assistants	
Charge	FY05 Caseload
Failure to Register	315
Failure to Display Valid Plates	219
Displaying Plates of Another	128
Operating w/o a Valid License	531
Driving while Suspended or Revoked	7,312
Failure to Provide Proof of Insurance	153
Operating w/o Proof of Financial Responsibility	490
Speeding	432
Careless and Imprudent Driving	352
Failure to Drive on Right Side of Road	315
Seat Belt Violation	156
Other Traffic	674
Criminal Non-Support	3,964
Passing Bad Checks	5,344
Failure to Return Rental Property	241
Total FY05 Administrative Caseload	20,626

If the trial division caseload increases from 85,821 to 96,741 as projected or 12.72% in the next two years, it is reasonable to assume the administrative caseload will increase by a like amount.

$$20,626 * 112.72\% = 23,317 \text{ projected administrative cases in Fiscal Year 2007.}$$

Using the same 235 cases per staff person, the result is 99 additional legal assistants and paralegal investigators. The ratio would be 1 paralegal investigator to every 3 legal assistants.

This option would save the cost of some of the attorney salaries vs. the cost of support staff.

Student Loan Relief

There is a recruitment crisis as to assistant public defenders in the State of Missouri. Because of the inability to recruit new assistant public defenders, new positions created because of expanding caseloads, as well as vacant positions created by turnover, remain unfilled for extended periods of time. Open, vacant positions, particularly in rural public defender offices for periods of six months and more, are not uncommon.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose just 94% of the cases assigned. The FY05 cumulative backlog of more than 22,896 is directly attributed to a shortage of experienced attorneys to handle them.

Fiscal Year	Assigned	Disposed	Net Difference
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
2005	88,131	87,180	951
	497,685	474,789	22,896

Through new positions and turnover, the Office of the State Public Defender has openings for approximately 60 attorneys per year. However, these openings remain unfilled because of the inability to recruit.

Most new attorneys hired by the Office of State Public Defender are recent law school graduates. Nearly all those graduates have considerable student loan debt upon graduation. A recent survey indicates most law school graduates hired by the State Public Defender have law school debt of \$50,000 - \$100,000. Approximately five percent had debt in excess of \$100,000. Interviews with prospective candidates indicate that, although some students would prefer public service as public defenders, they simply cannot afford to with the entry level salary and the heavy student loan debt.

This decision item will provide student loan relief for assistant public defenders in their first 36 months of public defender service. Assistant public defenders with at least \$150.00 per month in student loan debt would receive up to \$150.00 per month during their first 36 months of service as assistant public defenders, so long as they perform satisfactorily as public defenders and are not in default on any student loan debt.

Increased recruitment and reduced vacancies will speed the disposition of criminal cases and increase the public defender caseload disposition rate.

The total decision item is \$324,000.

Parking for Public Defender Employees

The Office of the State Public Defender currently has 179 employees located in metropolitan areas where they are required to pay for their own parking. During the last legislative session, the Senate Appropriations Committee added an amount of money to cover this expense to our employees. The Conference Committee agreed, but the funding was vetoed by the Governor.

Public Defender Offices - Where Employees Currently Pay for Parking.			
	# of Employees	State Pays	Balance
St. Louis Juvenile Office	8	3	5
Carnahan Courthouse			
1114 Market St, Ste 506			
St. Louis			
St. Charles Trial Office	11	1	10
300 N. Second Street			
St. Charles			
Columbia Trial Office	17	0	17
601 E. Walnut			
Columbia			
Jackson County Trial Office	45	4	41
Oak Tower, 20th Floor			
324 E. 11th Street			
Kansas City			
St. Louis County Trial Office	25	5	20
100 S. Central, 2nd Floor			
Clayton			
St. Louis City Trial Office	42	4	38
Mei Carnahan Courthouse			
1114 Market St, Ste 602			
St. Louis			
St. Louis Appellate Office	24	5	19
Grand Central Building			
1000 St. Louis Union Station, Ste 300			
St. Louis			
Kansas City Appellate Office	12	3	9
Scarritt Building, Suite 200			
818 Grand Avenue			
Kansas City			
St. Louis Capital Litigation	17	3	14
1000 St. Louis Union Station, Ste 300			
St. Louis, MO			
Kansas City Capital Litigation	8	2	6
Scarritt Building, Suite 200			
818 Grand Avenue			
Kansas City			
	209	30	179

Cost Detail

Parking costs an average of \$72.50 per month per employee.

\$72.50 * 12 months * 179 employees

\$155,760.

Drug Court Staffing

Missouri is currently undergoing many changes regarding substance abuse and how to react to increasing statewide problems of drug use. The development of drug courts is one response.

Drug Courts were established as treatment-based alternatives to prison, youth services facilities and detention centers, jails, and standard probation models. The first drug courts were aimed at the adult population in a response to increasing crime rates and prison overcrowding. Juvenile drug courts and family drug courts have followed.

Drug court policies are developed by each jurisdiction. Most drug courts are pre-plea courts, but some are post-plea and others are used as a method of alternative sentencing. The pre-plea diversion program means charges are deferred while the person is actively participating in the drug court program, and that at this point, the participant has not pled guilty to any charges. This program is usually reserved for non-violent, first time, low risk offenders.

Drug Courts place an additional demand on an already overburdened Public Defender System. Currently, public defender participation in drug courts is limited to when there is a significant adversarial hearing involving a client. This limited involvement is in direct opposition to what the courts are expecting and often demanding.

In general, the courts are looking for intensive participation from the public defender system. As of August 22, 2005, the following drug courts were established:

Adult Drug Court	63
Juvenile Drug Court	18
Family Drug Court	<u>10</u>
	69

There are an additional 40 drug courts in various stages of planning. This represents a total of 131 potential drug courts by July 1, 2006.

A "typical" public defender case is resolved in 3-6 months with 2 or 3 court appearances. A drug court cases extends representation to at least one year with at first weekly, then monthly court appearances. Many clients will be terminated from the treatment court after significant time and then require more public defender time to resolve and dispose.

The total cost of this decision item is \$2,512,662.

Legislative Recommendations

Office Space Requirements

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manor of funding office rent and utilities for these offices was not changed.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities. Some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes between counties and the Department of State Public Defender have expanded beyond the statutory obligation. Disputes have not only concerned whether or not office space will be provided at all, they have included *where* and *what* space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. The State Public Defender is not interested in securing fancy, luxurious offices. Its interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

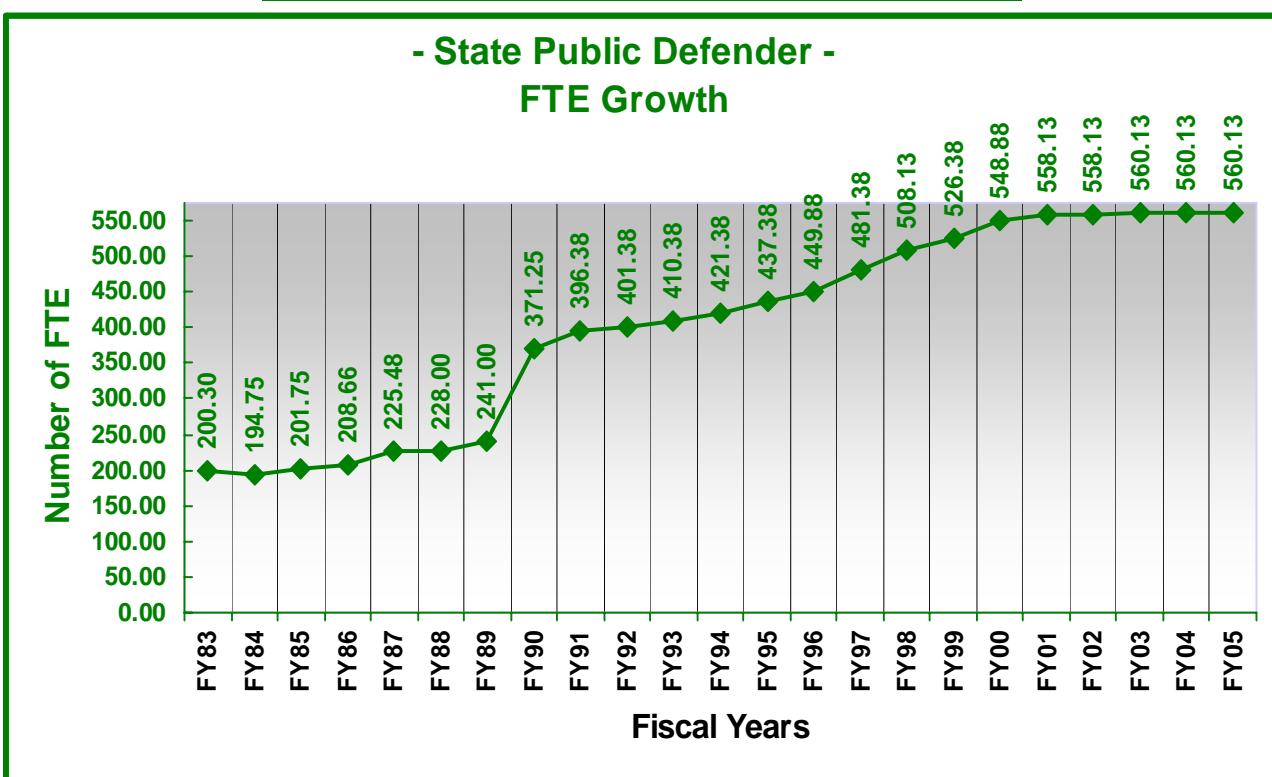
In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Projecting a conservative 8% increase in caseload, Missouri's Public Defender System will handle over 99,798 cases by 2005. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

Fiscal Year	Number of FTE	Fiscal Year	Number of FTE
FY83	200.30	FY94	421.38
FY84	194.75	FY95	437.38
FY85	201.75	FY96	449.88
FY86	208.66	FY97	481.38
FY87	225.48	FY98	508.13
FY88	228.00	FY99	526.38
FY89	241.00	FY00	548.88
FY90	371.25	FY01	558.13
FY91	396.38	FY02	558.13
FY92	401.38	FY03	560.13
FY93	410.38	FY04	560.13
FY94	421.38	FY05	560.13
FY95	437.38	FY06	560.13



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